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WATER AND AIR POLLUTION CONTROL

HEARINGS
BEFORE A
SUBCOMMITTEE OF THE
COMMITTEE ON PUBLIC WORKS
UNITED STATES SENATE
EIGHTY-FOURTH CONGRESS
FIRST SESSION

ON

S. 890

A BILL TO EXTEND AND STRENGTHEN THE WATER
POLLUTION CONTROL ACT

AND

S. 928

A BILL TO AMEND THE WATER POLLUTION CONTROL
ACT IN ORDER TO PROVIDE FOR THE CONTROL
OF AIR POLLUTION

APRIL 22, 25, AND 26, 1955

Printed for the use of the Committee on Public Works



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WATER AND AIR POLLUTION CONTROL

FRIDAY, APRIL 22, 1955

UNITED STATES SENATE,
COMMITTEE ON PUBLIC WORKS,
SUBCOMMITTEE ON FLOOD CONTROL-RIVERS AND HARBORS,
Washington, D. C.

The subcommittee met, pursuant to notice, at 10 a. m., in room 412, Senate Office Building, Senator Robert S. Kerr (chairman of the subcommittee), presiding.

Present: Senators Kerr (chairman), Gore, Symington, Thurmond, Kuchel, Cotton, and Hruska.

Senator KERR. Come to order, please.

We have before us S. 890, an act to extend and strengthen the Water Pollution Control Act, and S. 928, a bill to amend the Water Pollution Control Act in order to provide for the control of air pollution.

They will be made a part of the record at this point.

(S. 890 and S. 928 are as follows:)

[S. 890, 84th Cong., 1st sess.]

A BILL To extend and strengthen the Water Pollution Control Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Water Pollution Control Act (33 U. S. C. 466-466j) is hereby amended to read as follows:

"DECLARATION OF POLICY

SECTION 1. In connection with the exercise of jurisdiction over the waterways of the Nation and in consequence of the benefits resulting to the public health and welfare by the prevention and control of water pollution, it is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution, to support and aid technical research relating to the prevention and control of water pollution, and to provide Federal technical services and financial aid to State and interstate agencies in connection with the prevention and control of water pollution. To this end, the Surgeon General of the Public Health Service shall administer this Act through the Public Health Service and under the supervision and direction of the Secretary of Health, Education and Welfare.

"COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

"SEC. 2. The Surgeon General shall, after careful investigation, and in cooperation with other Federal agencies, with State water pollution control agencies and interstate agencies, and with the municipalities and industries involved, prepare or adopt comprehensive programs for eliminating or reducing the pollution and improving the sanitary conditions of surface and underground waters. In the development of such comprehensive programs due regard shall be given to the improvements which are necessary to conserve such waters for public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses. For the purpose of this section, the Surgeon General is authorized to make joint investigations with any such agencies of the condition of any waters in any State or States, and of the discharges of any sewage, industrial wastes, or substance which may deleteriously affect such waters.

"INTERSTATE COOPERATION AND UNIFORM LAWS

"SEC. 3. (a) The Surgeon General shall encourage cooperative activities by the States for the prevention and control of water pollution; encourage the enactment of improved and, so far as practicable, uniform State laws relating to the prevention and control of water pollution; and encourage compacts between States for the prevention and control of water pollution.

"(b) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and control of water pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by the Congress.

"RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION

"SEC. 4. (a) The Surgeon General shall conduct in the Public Health Service and encourage, cooperate with, and render assistance to other appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and promote the coordination of, research, investigations, experiments, demonstrations, and studies relating to the causes, control, and prevention of water pollution. In carrying out the foregoing, the Surgeon General is authorized to—

"(1) collect and make available, through publications and other appropriate means, the results of and other information as to research, investigations, and demonstrations relating to the prevention and control of water pollution, including appropriate recommendations in connection therewith;

"(2) make grants-in-aid to public or private agencies and institutions and to individuals for research or training projects and for demonstrations, and provide for the conduct of research, training, and demonstrations by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

"(3) secure, from time to time and for such periods as he deems advisable, the assistance and advice of experts, scholars, and consultants as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U. S. C. 55a);

"(4) establish and maintain research fellowships in the Public Health Service with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellows; and

"(5) provide training in technical matters relating to the causes, prevention, and control of water pollution to personnel of public agencies and other persons with suitable qualifications.

"(b) The Surgeon General may, upon request of any State water pollution control agency or interstate agency, conduct investigations and research and make surveys concerning any specific problem of water pollution confronting any State, interstate agency, community, municipality, or industrial plant, with a view of recommending a solution of such problem.

"(c) The Surgeon General shall collect and disseminate such information relating to water pollution and the prevention and control thereof as he deems appropriate to carry out the purposes of this Act.

"GRANTS FOR WATER POLLUTION CONTROL

"SEC. 5. (a) There are hereby authorized to be appropriated \$2,000,000 each for the fiscal year ending June 30, 1956, and the succeeding fiscal year, and such sums as the Congress may determine for each fiscal year thereafter, for grants to States and to interstate agencies to assist them in meeting the costs of establishing and maintaining adequate measures for the prevention and control of water pollution.

"(b) The portion of the sums appropriated pursuant to subsection (a) for a fiscal year which shall be available for grants to interstate agencies and the portion thereof which shall be available for grants to States shall be specified in the Act appropriating such sums.

"(c) From the sums available therefor for any fiscal year the Surgeon General shall from time to time make allotments to the several States, in accordance with regulations, on the basis of (1) the population, (2) the extent of the water pollution problem, and (3) the financial need of the respective States.

“(d) From each State’s allotment under subsection (c) for any fiscal year the Surgeon General shall pay to such State an amount equal to its Federal share (as determined under subsection (i)) of the cost of carrying out its State plan approved under subsection (f), including the cost of training personnel for State and local water pollution control work and including the cost of administering the State plan.

“(e) From the sums available therefor for any fiscal year the Surgeon General shall from time to time make allotments to interstate agencies, in accordance with regulations, on such basis as the Surgeon General finds reasonable and equitable. He shall from time to time pay to each such agency, from its allotment, an amount equal to such portion of the cost of carrying out its plan approved under subsection (f) as may be determined in accordance with regulations, including the cost of training personnel for water pollution control work and including the cost of administering the interstate agency’s plan. The regulations relating to the portion of the cost of carrying out the interstate agency’s plan which shall be borne by the United States shall be designed to place such agencies, so far as practicable, on a basis similar to that of the States.

“(f) The Surgeon General shall approve any plan for purposes of this section which is submitted by the State water pollution control agency or, in the case of an interstate agency, by such agency, and which meets such requirements as the Surgeon General may prescribe by regulation.

“(g) All regulations and amendments thereto with respect to grants to States and to interstate agencies under this section shall be made after consultation with a conference of the State water pollution control agencies and interstate agencies. Insofar as practicable, the Surgeon General shall obtain the agreement, prior to the issuance of any such regulations or amendments, of such State and interstate agencies.

“(h) (1) Whenever the Surgeon General, after reasonable notice and opportunity for hearing to a State water pollution control agency or interstate agency finds that—

“(A) the plan submitted by such agency and approved under this section has been so changed that it no longer complies with a requirement prescribed by regulation as a condition of approval of the plan; or

“(B) in the administration of the plan there is a failure to comply substantially with such a requirement, the Surgeon General shall notify such agency that no further payments will be made to the State or to the interstate agency, as the case may be, under this section (or in his discretion that further payments will not be made to the State, or to the interstate agency, for projects under or parts of the plan affected by such failure) until he is satisfied that there will no longer be any such failure. Until he is so satisfied, the Surgeon General shall make no further payments to such State, or to such interstate agency, as the case may be, under this section (or shall limit payments to projects under or parts of the plan in which there is no such failure).

“(2) If any State or any interstate agency is dissatisfied with the Surgeon General’s action with respect to it under this subsection, it may appeal to the United States court of appeals for the circuit in which such State (or any of the member States, in the case of an interstate agency) is located. The summons and notice of appeal may be served at any place in the United States. The findings of fact by the Surgeon General, unless substantially contrary to the weight of the evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Surgeon General to take further evidence, and the Surgeon General may thereupon make new or modified findings of fact and may modify his previous action. Such new or modified findings of fact shall likewise be conclusive unless substantially contrary to the weight of the evidence. The court shall have jurisdiction to affirm the action of the Surgeon General or to set aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in Title 28, United States Code, section 1254.

“(i) (1) The ‘Federal share’ for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the continental United States (excluding Alaska), except that (A) the Federal share shall in no case be more than 66⅔ per centum or less than 33⅓ per centum, and (B) the Federal share for Hawaii and Alaska shall be 50 per centum, and for Puerto Rico and the Virgin Islands shall be 66⅔ per centum.

"(2) The 'Federal shares' shall be promulgated by the Surgeon General between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation: *Provided*, That the Federal shares promulgated by the Surgeon General pursuant to section 4 of the Water Pollution Control Act Amendments of 1955, shall be conclusive for the period beginning July 1, 1955, and ending June 30, 1957.

"(j) The population of the several States shall be determined on the basis of the latest figures furnished by the Department of Commerce.

"(k) The method of computing and paying amounts pursuant to subsection (d) or (e) shall be as follows:

"(1) The Surgeon General shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State (or to each interstate agency in the case of subsection (e)) under the provisions of such subsection for such period, such estimate to be based on such records of the State (or the interstate agency) and information furnished by it, and such other investigation, as the Surgeon General may find necessary.

"(2) The Surgeon General shall pay to the State (or to the interstate agency), from the allotment available therefor, the amount so estimated by him for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid such State (or such interstate agency) for any prior period under such subsection was greater or less than the amount which should have been paid to such State (or such agency) for such prior period under such subsection. Such payments shall be made through the disbursing facilities of the Treasury Department, in such installments as the Surgeon General may determine.

"WATER POLLUTION CONTROL ADVISORY BOARD

"SEC. 6. (a) There is hereby established in the Public Health Service a Water Pollution Control Advisory Board to be composed as follows: The Surgeon General or a sanitary engineer officer designated by him, who shall be Chairman of the Board, a representative of the Department of the Army, a representative of the Department of the Interior, a representative of the Department of Commerce, a representative of the Department of Agriculture, a representative of the Atomic Energy Commission, a representative of the National Science Foundation, and a representative of the Federal Power Commission, designated by the Secretary of the Army, the Secretary of the Interior, the Secretary of Commerce, the Secretary of Agriculture, the Chairman of the Atomic Energy Commission, the Director of the National Science Foundation, and the Chairman of the Federal Power Commission, respectively; and seven persons (not officers or employees of the Federal Government) to be appointed by the President. One of the persons appointed by the President shall be an engineer who is expert in sewage and industrial waste disposal, one shall be a person who shall have shown an active interest in the field of wildlife conservation, and, except as the President may determine that the purposes of this Act will be better furthered by different representation, one shall be a person representative of municipal government, one shall be a person representative of State government, one shall be a person representative of affected industry, one shall be a person who shall have shown an active interest in the field of recreation, and one shall be a person who shall have shown an active interest in the field of agriculture. Each member appointed by the President shall hold office for a term of three years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of office of the members first taking office after June 30, 1955, shall expire as follows: two at the end of one year after such date, two at the end of two years after such date, and three at the end of three years after such date, as designated by the President at the time of appointment. None of the members appointed by the President shall be eligible for reappointment within one year after the end of his preceding term, but terms expiring prior to July 1, 1955, shall not be deemed 'preceding terms' for purposes of this sentence. The members of the Board who are not officers or employees of the United States, while attending conferences or meetings of the Board or while otherwise serving at the request of the Surgeon General, shall be entitled to

receive compensation at a rate to be fixed by the Secretary of Health, Education, and Welfare, but not exceeding \$50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U. S. C. 73b-2) for persons in the Government service employed intermittently.

"(b) The Board shall advise, consult with, and make recommendations to, the Surgeon General on matters of policy relating to the activities and functions of the Surgeon General under this Act.

"(c) Such clerical and technical assistance as may be necessary to discharge the duties of the Board shall be provided from the personnel of the Public Health Service.

"WATER QUALITY STANDARDS TO PREVENT POLLUTION OF INTERSTATE WATERS

"SEC. 7. (a) In order to aid in preventing, controlling, and abating pollution of interstate waters in or adjacent to any State or States which will or is likely to endanger the health or welfare of persons in a State other than that in which the matter causing or contributing to the pollution is discharged, the Surgeon General shall, after careful investigation and in cooperation with other Federal agencies, with State water pollution control agencies, and with municipalities and industries involved, prepare or adopt and publish standards of quality to be applicable (in accordance with subsection (c)) to such interstate waters at the point or points where such waters flow across or form the boundary of two or more States. Such standards of quality shall be based on the present and future uses of such interstate waters for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses, as determined in accordance with regulations prescribed by the Surgeon General after such consultation with the State water pollution control agencies, interstate agencies, and Federal agencies concerned as he deems appropriate.

"(b) The Surgeon General shall prepare the standards pursuant to subsection (a) with respect to any waters only if, within a reasonable time after being requested by the Surgeon General to do so, the appropriate States and interstate agencies have not developed standards found by the Surgeon General to be acceptable for adoption under subsection (a).

"(c) The alteration of the physical, biological, or chemical qualities of such interstate waters, which reduces the quality of such waters below the water quality standards promulgated by the Surgeon General and below the quality of such waters certified, by any State affected by such reduction, to be essential to its present or future uses (whether the matter causing or contributing to such reduction is discharged directly into such waters or reaches such waters after discharge into tributaries of such waters), is hereby declared to be a public nuisance and subject to abatement in accordance with the provisions of section 8 (a).

"(d) Nothing in this section shall prevent the application of section 8 to any case to which it would otherwise be applicable.

"ENFORCEMENT MEASURES AGAINST POLLUTION OF INTERSTATE WATERS

"SEC. 8. (a) The pollution of interstate waters in or adjacent to any State or States (whether the matter causing or contributing to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributary of such waters), which endangers the health or welfare of persons in a State other than that in which the discharge originates, is hereby declared to be a public nuisance and subject to abatement as herein provided.

"(b) Whenever the Surgeon General, on the basis of reports, surveys, and studies, has reason to believe that any pollution declared to be a public nuisance by subsection (a) is occurring, he shall give formal notification thereof to the person or persons discharging any matter causing or contributing to such pollution and shall advise the water pollution control agency or interstate agency of the State or States where such discharge or discharges originate of such notification. The notification shall specify a reasonable time to secure abatement of the pollution.

"(c) If action calculated to secure abatement of the pollution within the time specified in the notification pursuant to subsection (b) is not taken, the Secretary of Health, Education, and Welfare is authorized to call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originate, before a board of five or

more persons appointed by the Secretary, who may be officers or employees of the Department of Health, Education, and Welfare or of the water pollution control agency or interstate agency of the State or States where such discharge or discharges originate (except that the water pollution control agency of the State or States where such discharge or discharges originate shall be given an opportunity to select at least one member of the Board and at least one member shall be a representative of the Department of Commerce, and not less than a majority of the board shall be persons other than officers or employees of the Department of Health, Education, and Welfare). On the basis of the evidence presented at such hearing, the board shall make findings as to whether pollution declared to be a nuisance by subsection (a) is occurring. If the board finds such pollution is occurring, it shall make recommendations to the Secretary of Health, Education, and Welfare concerning the measures, if any, which it finds to be reasonable and equitable to secure abatement of such pollution.

“(d) After affording the person or persons discharging the matter causing or contributing to the pollution reasonable opportunity to comply with the recommendations of the board, the Secretary of Health, Education, and Welfare may request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution.

“(e) In any suit brought pursuant to subsection (d) in which two or more persons in different judicial districts are originally joined as defendants, the suit may be commenced in the judicial district in which any discharge caused by any of the defendants occurs.

“(f) The court shall receive in evidence in any such suit a transcript of the proceedings before the board and a copy of the board's recommendation; and may received such further evidence as the court in its discretion deems proper. The court shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public interest and the equities of the case may require.

“(g) In carrying out their respective functions under this section, the Surgeon General, the Secretary of Health, Education, and Welfare, and any board appointed pursuant to subsection (c) shall have power to administer oaths and to compel the presence and testimony of witnesses and the production of any evidence that relates to any matter under investigation under this section, by the issuance of subpoenas. Witnesses so subpoenaed shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States. In case of contumacy by, or refusal to obey a subpoena duly served upon, any person, any district court of the United States for the judicial district in which such person charged with contumacy or refusal to obey is found or resides or transacts business, upon application by the Surgeon General or the Secretary or such board, shall have jurisdiction to issue an order requiring such person to appear and give testimony, or to appear and produce evidence, or both. Any failure to obey such order of the court may be punished by the court as contempt thereof.

“(h) For purposes of this section, the jurisdiction of the Surgeon General, or any other agency which has jurisdiction pursuant to the provisions of this Act, shall not extend to any region or areas nor shall it affect the rights or jurisdiction of any public body where there are in effect provisions for sewage disposal pursuant to agreement between the United States of America and any such public body by stipulation entered in the Supreme Court of the United States. While any such stipulation or modification thereof is in force and effect, no proceedings of any kind may be maintained by virtue of this Act against such public body or any public agency, corporation, or individual within its jurisdiction. Neither this provision nor any provision of this Act shall be construed to give to the Surgeon General or any other person or agency the right to intervene in the said proceedings wherein such stipulation was entered.

“(i) As used in this section, the term ‘person’ includes an individual, corporation, partnership, association, State, municipality, and political subdivision of the State.

“ADMINISTRATION

“SEC. 9 (a) The Surgeon General is authorized to prescribe such regulations as are necessary to carry out his functions under this Act. All regulations of the Surgeon General under this Act shall be subject to the approval of the Secretary of Health, Education, and Welfare. The Surgeon General may delegate to any officer or employee of the Public Health Service such of his powers and duties under this Act, except the making of regulations, as he may deem necessary or expedient.

"(b) The Secretary of Health, Education, and Welfare, with the consent of the head of any other agency of the United States, may utilize such officers and employees of such agency as may be found necessary to assist in carrying out the purposes of this Act.

"(c) There are hereby authorized to be appropriated to the Department of Health, Education, and Welfare such sums as may be necessary to enable it to carry out its functions under this Act.

"DEFINITIONS

"SEC. 10. When used in this Act—

"(a) The term 'State water pollution control agency' means the State health authority, except that, in the case of any State in which there is a single State agency, other than the State health authority, charged with responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency.

"(b) The term 'interstate agency' means an agency of two or more States having substantial powers or duties pertaining to the control of pollution of waters.

"(c) The term 'treatment works' means the various devices used in the treatment of sewage or industrial wastes of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment, and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof.

"(d) The term 'State' means a State, the District of Columbia, Hawaii, Alaska, Puerto Rico, or the Virgin Islands.

"(e) The term 'interstate waters' means all rivers, lakes, and other waters that flow across, or form a part of, State boundaries.

"(f) The term 'municipality' means a city, town, district, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

"OTHER AUTHORITY NOT AFFECTED

"SEC. 11. This Act shall not be construed as (1) superseding or limiting the functions, under any other law, of the Surgeon General or of the Public Health Service, or of any other officer or agency of the United States, relating to water pollution, or (2) affecting or impairing the provisions of the Oil Pollution Act, 1924, or sections 13 through 17 of the Act entitled 'An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors and for other purposes,' approved March 3, 1899, as amended, or (3) affecting or impairing the provisions of any treaty of the United States.

"SEPARABILITY

"SEC. 12. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

"SHORT TITLE

"SEC. 13. This Act may be cited as the 'Federal Water Pollution Control Act'."

SEC. 2. The title of such Act is amended to read "An Act to provide for water pollution control activities in the Public Health Service of the Department of Health, Education, and Welfare, and for other purposes."

SEC. 3. Terms of office as members of the Water Pollution Control Advisory Board (established pursuant to section 6 (b) of the Water Pollution Control Act, as in effect prior to the enactment of this Act) subsisting on June 30, 1955, shall expire at the close of business on such day.

SEC. 4. Sections 1 and 2 of this Act shall become effective July 1, 1955; except that as soon as possible after the date of enactment of this Act the Surgeon General shall promulgate Federal shares in the manner provided in subsection (i) of section 5 of the Water Pollution Control Act, as amended by this Act (and without regard to the date specified therein for such promulgation), such Federal shares to be conclusive for the purposes of section 5 of such Act for the period beginning July 1, 1955, and ending June 30, 1957.

SEC. 5. This Act may be cited as the "Water Pollution Control Act Amendments of 1955."

[S. 928, 84th Cong., 1st sess.]

A BILL To amend the Water Pollution Control Act in order to provide for the control of air pollution

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Water Pollution Control Act (33 U. S. C. §§ 466-466j) is amended (1) by inserting the heading "TITLE I—WATER POLLUTION CONTROL" after the enacting clause; (2) by deleting "That in" at the beginning of the first section and inserting in lieu thereof "SECTION 1. In"; (3) by deleting "this Act" or "This Act" wherever appearing in such Act, except in section 12, and inserting in lieu thereof "this title" or "This title" respectively; and (4) inserting at the end of such Act the following new title:

"TITLE II—AIR POLLUTION CONTROL

"SEC. 201. This title may be cited as the 'Air Pollution Control Act of 1955.'

"SEC. 202. In recognition of the dangers to the public health and welfare from air pollution, it is hereby declared to be the policy of Congress to preserve and protect the primary responsibilities and rights of the States and local governments in controlling air pollution, to support and aid technical research to devise and perfect methods of abating such pollution, and to provide Federal technical services and financial aid to State and local government air pollution agencies and to industries in the formulation and execution of their air pollution abatement programs. To this end, the Secretary of Health, Education, and Welfare and the Surgeon General of the Public Health Service (under the supervision and direction of the Secretary of Health, Education, and Welfare) shall have the responsibilities and authority relating to air pollution control vested in them respectively by this title.

"SEC. 203. (a) The Surgeon General shall, after careful investigation and in cooperation with other Federal agencies, with State and local government air pollution agencies, with public and private agencies and institutions, and with industries involved, prepare or adopt comprehensive programs for eliminating or reducing air pollution. For the purpose of this subsection the Surgeon General is authorized to make joint investigations with any such agencies or institutions.

"(b) The Surgeon General shall encourage cooperative activities by State and local governments for the prevention and abatement of air pollution; encourage the enactment of uniform State laws relating to air pollution; collect and disseminate information relating to air pollution and the prevention and abatement thereof; support and aid technical research by State and local government air pollution agencies, public and private agencies and institutions, and individuals to devise and perfect methods of preventing and abating air pollution; make available to State and local government air pollution agencies, public and private agencies and institutions, industries, and individuals the results of surveys, studies, investigations, research, and experiments relating to air pollution and the prevention and abatement thereof conducted by the Surgeon General and by authorized cooperating agencies; and furnish such other assistance to State and local government air pollution agencies, public and private agencies and institutions, industries, and individuals as may be authorized by law in order to carry out the policy of this title.

"SEC. 204. The Surgeon General may, upon request of any State or local government air pollution agency conduct investigations and research and make surveys concerning any specific problem of air pollution confronting any State, community, municipality, or industrial plant with a view to recommending a solution of such problem.

"SEC. 205. The Surgeon General shall prepare and publish from time to time reports of such surveys, studies, investigations, research, and experiments made under the authority of this title as he may consider desirable, together with appropriate recommendations with regard to the control of air pollution.

"SEC. 206. There is hereby established within the Public Health Service an Air Pollution Control Advisory Board (hereinafter referred to as the "Board") to be composed as follows: The Surgeon General or a sanitary engineer officer designated by him, who shall be Chairman of the Board, a representative of the Department of Defense, a representative of the Department of the Interior, a representative of the Department of Agriculture, a representative of the Department of Commerce, and a representative of the National Science Foundation, designated respectively by the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Director of

the National Science Foundation; and six persons (not officers or employees of the Federal Government) to be appointed annually by the President. One of the persons appointed by the President shall be an engineer who is an expert in air pollution control and prevention, one shall be a person who has shown an active interest in the field of air pollution, and, except as the President may determine that the purposes of this title will be promoted by different representation, one shall be a person representative of State government, one shall be a person representative of municipal government, and one shall be a person representative of affected industry. The members of the Board who are not officers or employees of the United States shall be entitled to receive compensation at a per diem rate to be fixed by the Secretary of Health, Education, and Welfare, together with an allowance for actual and necessary traveling and subsistence expenses while engaged in the business of the Board. It shall be the duty of the Board to review the policies and programs of the Surgeon General as undertaken under authority of this title and to make recommendations thereon in reports to the Surgeon General. Such clerical and technical assistance as may be necessary to discharge the duties of the Board shall be provided from the personnel of the Public Health Service.

"SEC. 207. (a) There is hereby authorized to be appropriated to the Department of Health, Education, and Welfare for each of the five fiscal years during the period beginning July 1, 1955, and ending June 30, 1960, such sum as Congress may hereafter determine to be necessary to enable it to carry out its functions under this title of (1) making grants-in-aid to States, for expenditure by or under the direction of their respective State and local government air pollution agencies, and to public and private agencies and institutions and individuals, for research, training, and demonstration projects, and (2) contracting with public and private agencies and institutions and individuals for research, training, and demonstration projects. Such grants-in-aid and contracts may be made without regard to sections 3648 and 3709 of the Revised Statutes. Sums appropriated pursuant to this subsection shall remain available until expended, and shall be allotted by the Surgeon General in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare.

"(b) There is hereby authorized to be appropriated to the Department of Health, Education, and Welfare for each of the five fiscal years during the period beginning July 1, 1955, and ending June 30, 1960, such sum as Congress may hereafter determine to be necessary to enable it to carry out its remaining functions under this title.

"(c) There is hereby authorized to be appropriated to the Department of Health, Education, and Welfare for each of the five fiscal years during the period beginning July 1, 1955, and ending June 30, 1960, such sum as Congress may determine to be necessary to enable the Secretary of Health, Education, and Welfare to erect, furnish, and equip such buildings and facilities as may be necessary for the use of the Public Health Service in connection with the research and study of air pollution and the training of personnel in work related to the control of air pollution. Sums appropriated pursuant to this subsection shall remain available until expended.

"SEC. 208. (a) Five officers may be appointed to grades in the regular corps of the Public Health Service above that of senior assistant, but not to a grade above that of Director, to assist in carrying out the purposes of this title. Officers appointed pursuant to this subsection in any fiscal year shall not be counted as part of the 10 per centum of the original appointments authorized to be made in such year under section 207 (b) of the Public Health Service Act; but they shall for all other purposes be treated as though appointed pursuant to such section 207 (b).

"(b) The Secretary of Health, Education, and Welfare may, with the consent of the head of any other agency of the Federal Government, utilize such officers and employees of such agency as may be found necessary to assist in carrying out the purposes of this title.

"(c) The Surgeon General is authorized to prescribe such regulations as are necessary to carry out his functions under this title.

"SEC. 209. When used in this title—

"(a) the term 'State air pollution agency' means the State health authority, except that in the case of any State in which there is a single State agency other than the State health authority charged with responsibility for enforcing State laws relating to the abatement of air pollution, it means such other State agency;

"(b) the term 'local government air pollution agency' means a city or other local government health authority, except that in the case of any city or other local government in which there is a single agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the abatement of air pollution, it means such other agency; and

"(c) the term 'State' means a State or the District of Columbia."

Senator KERR. First the reports from the Departments will be made a part of the record. A copy of a letter from Mrs. Oveta Culp Hobby, of the Department of Health, Education, and Welfare to Mr. Nixon, Vice President, and President of the Senate.

Also, a letter from the Bureau of the Budget, signed by Mr. Belcher.

Also, a letter from the Atomic Energy Commission to the chairman of this committee, signed by Mr. Lewis L. Strauss.

Also, a letter from the Department of Agriculture, signed by Mr. True D. Morse, Under Secretary.

Also, a letter from the Federal Power Commission, signed by Mr. Kuykendall, together with an enclosure from the Federal Power Commission.

A letter from Oveta Culp Hobby, Secretary for the Department of Health, Education, and Welfare.

A letter from the National Science Foundation, signed by the Director, Alan T. Waterman.

A letter from Roswell B. Perkins, Assistant Secretary for Department of Health, Education, and Welfare.

A letter from Health, Education, and Welfare suggesting amendments to S. 890.

(The letters are as follows:)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
February 1, 1955.

HON. RICHARD M. NIXON,
The President of the Senate.

DEAR MR. PRESIDENT: I am enclosing for your consideration a draft of a bill amending the Water Pollution Control Act which now authorizes water pollution control activities in the Public Health Service of the Department of Health, Education, and Welfare. The enclosed draft bill is designed to carry out the President's recommendations on this subject contained in his state of the Union message and his special health message of January 31, 1955.

Since a summary of the draft bill is also enclosed, only the major purposes and provisions of the bill are discussed in this letter.

The draft bill includes amendments which would provide a continuing legislative base for Federal water pollution control activities. The present act originally authorized appropriations for 5 years. It was subsequently extended 3 more years in order, among other things, to provide a sufficient period of time to gather experience on which to base recommendations for continuing legislation.

Studies accomplished under the present Water Pollution Control Act indicate that over 70 million people depend on surface waters for their drinking water supply. Excessive pollution makes hazardous the use of these waters as sources of water supply. Pollution seriously damages and may destroy fish and aquatic life and can severely limit the use of water for recreational, agricultural, and industrial purposes. A major effort is needed to conserve water by controlling pollution, thus making reuse of water possible as it flows from industry to industry, city to city, and State to State.

Water pollution control is a problem common to all the States. Over the past 50 years urban population has nearly quadrupled and industrial production has increased seven-fold with consequent increased discharge of domestic and industrial waste into our natural water bodies. It is estimated that present urban population will increase one-third by 1975 and that industrial production will again double.

The congressional policy as contained in the present Water Pollution Control Act is to protect the public health and welfare by the abatement of water pollution, recognizing that primary responsibility for control of water pollution rests with the States and that the Federal role is one of research, State support, coordination, and control over interstate pollution.

The draft bill would continue this congressional policy. The amendments proposed are aimed at strengthening Federal support of State control programs with the firm belief that strong State programs will do much to encourage the early construction of needed pollution abatement facilities by municipalities and industries. The limited construction loan provisions of the present law have been deleted along with the authorization of grants for preliminary planning of treatment works construction projects.

One of the major purposes of the draft bill would be to broaden existing research authority in the field of water pollution control, principally by supporting non-Federal research agencies and institutions through grants and by authorizing the Department of Health, Education, and Welfare to contract with universities and other qualified institutions to do research on special problems as a means of complementing research being conducted at the Robert A. Taft Sanitary Engineering Center in Cincinnati.

Another amendment would simplify the enforcement procedures by eliminating two of the present requirements, namely, that a second notice be sent to a person contributing to or causing pollution of interstate waters, and that the consent of the State in which the discharge originated be obtained prior to court action, if such court action should be necessary to abate the pollution. These revisions would result in a substantial reduction in cost of enforcement procedures, and would make the Federal enforcement program more effective by reducing delays and by removing the danger that it might be nullified by the veto power implicit in the State consent requirement. The provisions relating to enforcement would also be amended to permit a finding under them that a person is causing interstate pollution only after such person has been given an opportunity to be heard.

As an aid to the prevention of new pollution of interstate waters where such waters cross or form State boundaries, the draft bill amends the Water Pollution Control Act to authorize establishment of water quality standards, co-operatively with the States, to be applicable to such waters as such points.

The expanded program of State grants would permit use of grant funds on all phases of State water pollution control activities, as a means of expanding and strengthening State programs. Such strengthened State programs will be a most effective mechanism for securing needed construction of treatment works and other control measures. The enclosed draft authorizes a \$2 million annual appropriation for the first 2 years for such grants to States, with sums required for future years to be determined by the Congress.

The amendments here proposed would not affect the authority of any other officer or agency of the United States relating to water pollution control, nor affect or impair the provisions of the Oil Pollution Act of 1924, section 13 of the River and Harbor Act of 1899, or the provisions of any treaty of the United States.

It is estimated that the purposes of the new law as it would be amended by this bill can be effectuated by initial annual appropriations of \$6 million—\$2 million for State program support grants, \$2 million for research grants and contract research to be done outside the Federal Government, \$1 million for research to be done by Public Health Service personnel at the Robert A. Taft Sanitary Engineering Center, and \$1 million to enable the Public Health Service to carry out its other functions under the act, including provision of advisory and technical services to States, municipalities, and industries on water pollution control problems, and activities relating to prevention and control of interstate pollution.

I shall appreciate it if you will be good enough to refer the enclosed draft bill to the appropriate committee for consideration.

The Bureau of the Budget advises that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely yours,

OVETA CULP HOBBS,
Secretary.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D. C., March 4, 1955.

Hon. DENNIS CHAVEZ,
*Chairman, Committee on Public Works, United States Senate,
412 Senate Office Building, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your letter of February 2, 1955, requesting the comments of the Bureau of the Budget on S. 890, a bill to extend and strengthen the Water Pollution Control Act.

This bill would make permanent the present Water Pollution Control Act (33 U. S. C. 466-466j) and make a number of improvements indicated by operating experience under that act. Among the major changes are: (1) The purposes of the grant to States have been broadened and the appropriation authorization increased to \$2 million for 1956 and 1957 and such sums as are necessary thereafter; (2) authority for research grants and fellowships and for training of personnel has been added; (3) the enforcement provisions have been simplified and strengthened by (a) elimination of the second notice in the enforcement procedure, (b) addition of subpoena power in connection with public hearings, (c) elimination of the requirement for consent to institute suit from the State in which the pollution originates, and (d) providing for establishment of water quality standards for interstate waters; (4) authority for construction loans or grants or plan preparation for treatment facilities was deleted. This authority in present law has not been used. In addition, a number of other perfecting changes relating to the advisory council and the distribution of grant funds have been included.

In his special health message of January 31, 1955, the President recommended an extension and strengthening of the Water Pollution Control Act. This bill would carry out those recommendations by increasing assistance to the States and intensifying the research effort in addition to strengthening enforcement.

I am authorized to advise you that the enactment of S. 890 is in accord with the program of the President.

Sincerely yours,

DONALD R. BELCHER, *Assistant Director.*

UNITED STATES ATOMIC ENERGY COMMISSION,
March 18, 1955.

Hon. DENNIS CHAVEZ,
Chairman, Committee on Public Works, United States Senate.

DEAR SENATOR CHAVEZ: This is in reply to your letter of February 2, 1955, requesting our views on S. 890, a bill to extend and strengthen the Water Pollution Control Act.

As we understand the draft bill the Surgeon General of the Public Health Service, in cooperation with other Federal, State, and interstate agencies and municipalities and industries involved, would prepare or adopt comprehensive programs for eliminating or reducing the pollution and improving the sanitary condition of surface and underground waters. The bill provides for interstate cooperation; coordination of research, investigation, experiments, and demonstrations; financial assistance to States and interstate agencies; establishment of water quality standards; and the enforcement of antipollution measures under the administration of the Surgeon General.

Section 6 provides for a Water Pollution Control Advisory Board on which the Commission would be represented by a member appointed by the Chairman of the Atomic Energy Commission.

Enactment of the proposed bill will not adversely affect the programs of the Atomic Energy Commission.

The Bureau of the Budget has advised us that it has no objection to our submitting these comments.

Sincerely yours,

LEWIS L. STRAUSS, *Chairman.*

DEPARTMENT OF AGRICULTURE,
Washington 25, D. C., March 25, 1955.

HON. DENNIS CHAVEZ,
Chairman, Committee on Public Works,
United States Senate.

DEAR SENATOR CHAVEZ: This is in reply to your request of February 2, 1955, for comments by this Department on S. 890, a bill "To extend and strengthen the Water Pollution Control Act."

We favor the objective of the bill and have no objection to its enactment.

The bill revises the Federal Water Pollution Control Act in numerous ways, but does not change its relationship to the responsibilities of this Department. As under the provisions of the present law, its objective is to maintain and improve the quality of water available for various uses including agricultural. The bill continues to provide for a representative of the Department of Agriculture designated by the Secretary of Agriculture on the Water Pollution Control Advisory Board.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE,
Under Secretary.

FEDERAL POWER COMMISSION,
Washington 25, March 24, 1955.

HON. DENNIS CHAVEZ,
Chairman, Committee on Public Works,
United States Senate, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request there are enclosed three copies of the report of the Federal Power Commission on the bill S. 890, 84th Congress, "To extend and strengthen the Water Pollution Control Act."

We have just been advised that there is no objection by the Bureau of the Budget to the presentation of this report to the Committee on Public Works.

Sincerely yours,

JEROME K. KUYKENDALL,
Chairman.

(Enclosures No. 74685.)

FEDERAL POWER COMMISSION REPORT ON S. 890, 84TH CONGRESS

A BILL To extend and strengthen the Water Pollution Control Act

This bill would amend the Water Pollution Control Act of June 30, 1948 (33 U. S. C. 466-466j), which relates to Federal cooperation with State and interstate agencies in matters of water pollution control.

The Federal Power Commission is named in section 6 (a) of the bill as one of the Federal agencies to be represented on the "Water Pollution Control Advisory Board" which is established for the purpose of reviewing and making recommendations with respect to the policies and program of the United States Public Health Service as undertaken under the act. This Board is also composed of the Surgeon General or a sanitary engineer officer designated by him, who shall serve as chairman, and representatives of the Departments of the Army, Interior, Commerce, and Agriculture, the Atomic Energy Commission, and the National Science Foundation. The representative of the Federal Power Commission would be designated by the Chairman of the Commission.

The Federal Power Commission is not primarily charged with administration of the Water Pollution Control Act, nor does such proposed legislation directly relate to or affect this Commission insofar as its statutory functions and responsibilities are concerned. However, the Commission, together with the Departments of Health, Education, and Welfare, Army, Interior, Commerce, and Agriculture, is represented on the Interagency Committee on Water Resources which has been established with Presidential approval for purposes of formulating and coordinating plans and recommendations for State and Federal water-resources development. The continuance of the Water Pollution Control Advisory Board with increased representation thereon, as provided in the bill, is consistent with existing interagency activities in the field of water-resources development and should aid in implementing the purposes of the "Interagency Agreement on Coordination of Water and Related Land Resources," which was entered into by

those six agencies comprising the above-mentioned Interagency Committee on Water Resources.

The Commission offers no objection to enactment of this bill.

FEDERAL POWER COMMISSION,
JEROME K. KUYKENDALL,
Chairman.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
April 13, 1955.

HON. DENNIS CHAVEZ,
*Chairman, Committee on Public Works,
United States Senate.*

DEAR MR. CHAIRMAN: This is in response to your request of February 2, 1955, for a report on S. 890, a bill "To extend and strengthen the Water Pollution Control Act."

S. 890 embodies the Department's proposals for measures to carry out the President's recommendations for continuing and strengthening the Water Pollution Control Act, contained in the state of the Union message and the special health message of January 31, 1955. These proposals were transmitted for consideration by the Senate on February 1, 1955, with a covering letter of explanation to the President of the Senate and a summary of the provisions of the proposed bill. A copy of this Department's letter of February 1 to the President of the Senate is enclosed for the convenience of the committee.

This Department believes that enactment of S. 890 would contribute materially to the protection of the Nation's water resources, by providing greater assistance to the States for their water pollution control programs and a continuing legislative base for Federal activities in this field. We urge favorable consideration of the bill by your committee.

The Bureau of the Budget advises that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely yours,

OVETA CULP HOBBY,
Secretary.

NATIONAL SCIENCE FOUNDATION,
OFFICE OF THE DIRECTOR,
February 14, 1955.

HON. DENNIS CHAVEZ,
*Chairman, Committee on Public Works,
United States Senate, Washington, D. C.*

DEAR SENATOR CHAVEZ: This is in reply to your letter of February 2, 1955, requesting our views on S. 890, to extend and strengthen the Water Pollution Control Act.

The National Science Foundation endorses the general objectives of the bill which provides for extended study and research in regard to the prevention and control of water pollution. In view of the Foundation's concern with the promotion of scientific progress in the United States, it would be pleased to participate in the activities of the Water Pollution Control Advisory Board, pursuant to section 6 (a) of the bill.

Thank you for giving us the opportunity to comment on the bill.

Sincerely yours,

ALAN T. WATERMAN, *Director.*

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, May 3, 1955.

HON. ROBERT S. KERR,
*Chairman, Subcommittee on Flood Control, Rivers and Harbors,
Senate Public Works Committee, United States Senate,
Washington, D. C.*

DEAR SENATOR KERR: I appeared before your subcommittee on Friday, April 22, to present the testimony of Secretary Oveta Culp Hobby in support of S. 890, a bill to extend and strengthen the Water Pollution Control Act. I neglected to include a statement indicating the relationship of this proposed legislation to appropriations in fiscal year 1956. I assume you will wish to have this information inserted at an appropriate place in the record of the hearings.

The President's budget contains as an item "proposed for later transmission" the sum of \$1 million for grants to States and interstate agencies for water-pollution control. Because S. 890 would raise the authorization for these grants from \$1 million to \$2 million, the foregoing budget request is contingent upon the passage of the legislation.

For the information of the committee, the President's budget for fiscal year 1956 (already acted upon by the House) contained the following items relating to water pollution.

1. For direct research, \$475,000 (as compared with \$225,000 in 1955).
2. For research grants, \$1 million (no funds in 1955).
3. For grants to States, \$1 million (no funds in 1955).
4. For technical assistance to States, \$953,500 (as compared with \$678,000 in 1955).

In acting upon the appropriation bill the House disallowed, in total, items 2 and 3 above. In addition they decreased item 4 by \$268,000, of which \$123,000 was planned for the field studies in water supply and pollution and \$145,000 for enforcement activities.

Sincerely yours,

ROSWELL B. PERKINS,
Assistant Secretary.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
April 29, 1955.

Hon. ROBERT S. KERR,
*Chairman, Subcommittee on Flood Control, Rivers and Harbors,
Committee on Public Works, United States Senate.*

DEAR MR. CHAIRMAN: During the course of my testimony on S. 890 on April 22, 1955, I mentioned two changes which the Department recommends be made in section 7 of the Water Pollution Control Act as it would be amended by S. 890.

For the convenience of the committee, I am enclosing a draft of these two changes in the bill.

The Bureau of the Budget has advised us that it perceives no objection to these amendments to the bill.

Sincerely yours,

ROSWELL B. PERKINS,
Assistant Secretary.

(Enclosure.)

AMENDMENTS TO S. 890

(Recommended by Department of Health, Education, and Welfare)

1. On page 14, line 22, strike out "shall" and on line 25 insert "is authorized to" after "involved,".
2. On page 15, line 9, strike out "such" and on lines 11 and 12 strike out "as he deems appropriate".

Senator KERR. I have a brief memorandum which has been prepared, giving a brief résumé of the provisions of S. 890.

Federal participation in pollution abatement was considered by all but six Congresses from the 55th to 79th (1876-1946). Over 100 bills were introduced, 3 of which passed one or both Houses, but none were finally approved.

The Water Pollution Control Act of 1948 provided for a comprehensive program for preventing, abating, and controlling water pollution, to be prepared or adopted by the Surgeon General, under the supervision of the Health, Education, and Welfare Department, and in cooperation with other Federal agencies, State water pollution agencies, interstate agencies, and with municipalities and industries. The primary responsibilities and rights of the States in controlling water pollution was recognized, preserved, and protected.

Public Law 845 provided for Federal technical services and loans, not to exceed \$22,500,000 in any fiscal year, at an interest rate of 2 per-

cent per annum to States, interstate agencies, and industries. Smaller authorizations were included for allocations to States for investigations and research; grants to States and municipalities for preparation of plans and specifications; and for construction of the Public Health Service Laboratory at Cincinnati.

The act made it clear that enforcement procedures were to be initiated only after reasonable time was given a State, interstate agency, or industry to comply with remedial measures recommended by the Surgeon General to abate the pollution, and then only with the consent of the water pollution agency of the State in which located. Provision was also made for holding a public hearing prior to the institution of a suit to abate pollution and the court in rendering its judgment is directed to give due consideration to the practicability and the physical and economic feasibility of securing abatement of any pollution proved.

The law covered the period from July 1, 1948, to June 30, 1953. Public Law 579 of the 82d Congress extended the expiration date to June 30, 1956. The full amount of authorization has not been appropriated. The Public Health Service Laboratory at Cincinnati, Ohio, has been completed.

New bill: S. 890 continues the present policy of protecting the public health and welfare by the abatement of water pollution by coordination of Federal and State agencies, but amends the existing law by strengthening Federal support of State control programs. It would broaden existing research authority in the field of water pollution through grants to qualified agencies.

S. 890 makes the following changes in present law:

1. Deletes the limited construction loan provisions and the authorizations of grants for preliminary planning of treatment works construction projects.

2. Provides grants for non-Federal research agencies and institutions for water pollution studies, and authorizes the Department of Health, Education, and Welfare to contract with universities to do research on special problems.

3. Simplifies enforcement procedures by eliminating requirements that (a) a second notice be sent to a person contributing to or causing pollution of interstate waters, and (b) that the consent of the State in which the discharge originated be obtained prior to court action.

That is, this bill would eliminate those two requirements of current law.

4. Authorizes establishment of water quality standards, cooperatively with the States, to be applicable to waters crossing or forming State boundaries.

5. Authorizes appropriation of \$2 million annually for fiscal years 1956 and 1957, with sums required for future years to be determined by Congress, for grants to States for use on all phases of State water pollution control activities.

The estimated annual Federal cost of S. 890 is \$6 million initially: \$2 million for grants for State program supports; \$2 million for research grants and contract research outside the Federal Government; \$1 million for research in operation of the Robert A. Taft Sanitary Engineering Center; and \$1 million to enable the Public Health Service to carry out its function under the bill.

Senator Kuchel, what would be your judgment with reference to considering these bills simultaneously?

Senator KUCHEL. I would have no objection, Mr. Chairman. I do have a few witnesses who would plan to be here next week when I understand your hearings will continue.

Senator KERR. Yes.

Senator KUCHEL. I would be pleased to abide by the decision of the chairman. There is some relationship between the two problems.

Senator KERR. We will not do that this morning. We will wait and see how we get along.

We have here a letter from the New Hampshire Water Pollution Commission to Senator Cotton, which he has asked to be introduced and made a part of this record:

Since our earlier correspondence with you on the subject, we have had an opportunity to meet with officials from the other New England States and New York at a regular meeting of the New England Interstate Water Pollution Control Commission on March 23 and 24. The interstate body discussed the proposed legislation at some length and noted that several features of the bill are objectionable. I understand that a general statement concerning these objections has been or will be filed in advance of the hearing with the Members of Congress from the respective compact States. In addition the consensus of the members was that each individual State should advise its Congressmen regarding its views in the matter.

The New Hampshire Commission is fully in accord with the action taken by the interstate agency and states its position concerning the proposed legislation to be as follows:

(1) Senate bill 890 was prepared and drafted for submission to Congress without consultation or discussion with the States and thus no opportunity was afforded the several States to cooperate in the development of legislation which would avoid conflict with State legislation on the subject.

(2) The provisions of existing legislation (Public Law 845, 80th Cong.) recognize the primary responsibility and rights of State and interstate agencies to control water pollution. These provisions are proper and are retained in the new proposal.

(3) Since it is the agreed policy that the States are basically responsible for pollution control, it follows that the States are obligated to provide sufficient personnel and funds in order to effectively carry out their functions relating to the investigation and control of pollution problems. It is our opinion that the States have realized this obligation and there is ample evidence that during recent years considerable progress has been made at the State and interstate level in improving pollution control legislation and providing adequate funds for such programs.

(4) The enforcement procedures available under Public Law 845, 80th Congress, have proven to be adequate and should not be changed. Experience to date with the present law has been satisfactory and we have not been informed of any situation involving interstate waters where it has been impossible for Federal pollution control authorities to obtain required remedial action in regard to pollution problems.

(5) Section 7 of the proposed bill which would confer powers on the Surgeon General to prepare, adopt, and publish water quality standards for interstate waters is unnecessary and extremely objectionable. The effect of this delegation of authority to develop standards at the Federal level would be a transfer of this power from the States where it can and is being properly exercised. Also it constitutes a circumvention of State and interstate responsibility to enforce pollution control programs for interstate waters. There are presently in being a number of interstate compacts which provide for the adoption and approval of standards of water quality and we are convinced that the approach to pollution problems in interstate waters by this method is much more desirable and effective. We would recommend that the provisions relative to water quality standards be entirely deleted from the measure.

(6) We wish to emphatically stress that the Federal approach to the problem of water pollution control should be in the area of research and technical assistance to the States on special problems. By concentration of the Federal effort in this direction distinct economies could result inasmuch as it would avoid

any tendency to duplicate State and interstate programs which are primarily aimed toward field investigations, surveys, and enforcement. It is our feeling that definite contributions have been made to date by the Federal agencies in regard to research activities and we can support the provisions of the proposed legislation which would protect and encourage this type of program.

Very truly yours,

WILLIAM A. HEALY,
Technical Secretary.

We have here a statement of Senator Knowland, also.

Senator KUCHEL. May that go over until next week, Mr. Chairman? I think that concerns itself primarily with air pollution or did he make comments on the other bill?

Senator KERR. He made comments on S. 890 and S. 928. S. 928 will go over until next week.

(Statement of Senator Knowland on S. 890:)

I appreciate the courtesies of the subcommittee in providing time for consideration of S. 890 cosponsored by Senator Martin, Senator Chavez, Senator Duff, Senator Kuchel, and myself.

The purposes of this bill are to extend and strengthen the Water Pollution Control Act as passed in the 80th Congress, Public Law 845, and to provide for continuing the activities of the public health service initiated in this act. The present bill continues the policy of recognizing, preserving, and protecting the primary responsibilities and rights of the States in preventing and controlling water pollution, in addition to supporting and aiding technical research relating to the prevention and control of water pollution. It aims to provide Federal technical services and financial aid to State and interstate agencies in connection with the problem.

While the original Water Pollution Control Act of 1948 expires on June 30, 1956, the present bill provides for a permanent program incorporating several modifications. In continuing to recognize the primary responsibility of the States, the Federal Government will be concerned with directing the research, professional consultation and control of interstate pollution problems.

Water is a natural resource which is a primary concern of the Nation. Aside from the importance of water to industry, the problem is of major concern to the overall national health program. It is necessary to provide a sanitary environment for the foundation of a sound health structure and one of the most neglected aspects in creating this sanitary environment is the development of a nationwide program to reduce the pollution of our water resources.

Pollution stems from two major sources, domestic sewage and expanding industry. The advancement of technology has further complicated the pollution of water by industry. In the development of industries related to nuclear energy, new difficulties to waste disposal will appear.

But the problem is not limited to our water supply for direct consumption. Polluted waters also vitally affect our food supply. The problem of pollution has vitally affected the supply of water required with the growth of cities and industries. In the past, many cities throughout the country have undergone domestic water shortages and the only solution seems to be the conservation of water quality through the prevention of water pollution. In addition to affecting our cities and industries, our recreational resources and wildlife are seriously threatened. It is a complex problem which requires close cooperation between the States and the Federal Government.

The Federal Government is especially concerned in those instances which go beyond the resources and jurisdiction of the individual States. The pressing needs at the present time are for research, expert consultation and aid on these problems and the control of interstate pollution.

I believe that the bill which is under consideration here today will accomplish these objectives and hope the committee will give it favorable consideration. If as a result of your hearings constructive suggestions are made for the improvement of the bill I am sure such suggestions will be welcomed by the authors of the legislation as well as by your committee.

Do you have a statement to make, Senator Kuchel?

Senator KUCHEL. No, I do not, Mr. Chairman.

Senator KERR. Mr. Roswell B. Perkins, Assistant Secretary, Department of Health, Education and Welfare.

STATEMENT OF HON. ROSWELL B. PERKINS, ASSISTANT SECRETARY, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, ACCOMPANIED BY ASSISTANT SURGEON GENERAL MARK D. HOLLIS, CHIEF ENGINEER, PUBLIC HEALTH SERVICE; DR. W. PALMER DEARING, DEPUTY SURGEON GENERAL, PUBLIC HEALTH SERVICE; AND SIDNEY SAPERSTEIN, LEGISLATIVE SERVICES UNIT, OFFICE OF GENERAL COUNSEL

Mr. PERKINS. Before proceeding with our prepared statement I should like to express for Secretary Hobby and the Surgeon General their regrets that another commitment makes it impossible for them to be present this morning to participate in these hearings. As you are undoubtedly aware, they are today conducting a conference to discuss the supply and distribution of the Salk polio vaccine.

In the Secretary's absence I should like to present her statement, with the assistance of Mr. Mark D. Hollis, Chief Sanitary Engineering Officer of the Public Health Service. Also present to assist in answering committee questions on the proposed legislation are Dr. W. Palmer Dearing, Deputy Surgeon General of the Public Health Service, and members of Mr. Hollis' staff. Also, Mr. Saperstein, of our Office of General Counsel.

Our prepared statement deals only with provisions of S. 890. The report on S. 928, the air pollution measure submitted by Senator Kuchel, has been submitted to your committee and we shall be glad to answer questions at such time as you wish.

Senator KERR. At this time I contemplate the probability that that will be next week.

Mr. PERKINS. Mr. Chairman and members of the committee, we appreciate this opportunity to appear before your committee to provide information on the proposals covered by S. 890, a bill to extend and strengthen the Water Pollution Control Act. The President, in his health message to Congress, urged that steps be taken to provide greater assistance to the States for water pollution control programs. He stated:

Intensified research in water pollution problems is needed as well as continuing authority for the Public Health Service to deal with these matters. The present Water Pollution Control Act expires on June 30, 1956. This termination date should be removed and the act should be strengthened.

The objective of the bill, S. 890, is to protect the public health and welfare by the control of water pollution. The bill would continue the State-Federal cooperative program, and the policy underlying the present act to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution.

The water-pollution problem: Just as water is essential to life, safe water is essential to health. Epidemics caused by pollution of water have plagued man throughout his history. Safeguarding domestic water supplies is fundamental in public-health practice. In our way of life, two requirements—safe water and enough of it—are inseparable and indispensable to our health and well-being.

Water pollution is a growing problem because America is a growing Nation. Demands for water are continually increasing. At the same time, greater quantities of wastes are entering our streams, often

making them unfit for use. Pollution control—maintaining the usefulness of surface waters—is a health and conservation measure of high priority.

In earlier years—when population was smaller and mostly rural, and industrial production limited—there were few serious pollution problems. Water shortages were confined to the relatively dry areas. Since 1900, demands for water have been increasing in proportion to the unprecedented urban and industrial growth. This growth has likewise increased the amount and types of wastes discharged to streams. In turn these wastes have complicated the problems of water treatment and purification.

We must keep in mind that over 70 million people depend on surface streams for their drinking water. Excessive pollution is endangering the use of these streams as a source of public and industrial water supply. Also pollution seriously damages, and frequently destroys, fish and wildlife and adversely affects recreational and agricultural uses.

Present needs for water to support community living and industry amount to one-half million gallons of water per person per year. Already over wide areas we are experiencing serious shortages of usable water—in the Missouri and Ohio River Valleys, along the northeastern seaboard, and in the Southwest. As our economy expands, water shortages will become more severe. A major conservation effort will be required. Water-pollution control has become an essential element of our national conservation program to meet these deficiencies. Treatment of sewage and waste to protect water quality makes possible the reuse of water as streams flow from city to city and from State to State.

Federal participation: Federal interest in water pollution dates back many decades. At various times since 1886, Congress has passed laws dealing with separate phases of the water-pollution problem—navigation in the 1890's; public health in 1912; control of oil production in 1924; wildlife conservation in 1946. The bipartisan Water Pollution Control Act of 1948 was the first comprehensive type of legislation in this field. The act gave to the Public Health Service new and expanded responsibilities.

The new Robert A. Taft Sanitary Engineering Center at Cincinnati, Ohio, evolved from the research laboratory established in 1913 under the authority of the Public Health Service Act of 1912. This act provided for research and investigations on pollution of streams and lakes. Through the years, the Cincinnati station has contributed important findings—findings which have furnished much of the basis for pollution abatement methods now practiced by States, cities, and industry.

Under the 1948 act we have moved forward on several fronts, including research, support to States and interstate agencies, cooperation with industry, and attention to interstate pollution.

In addition to research at the Taft Center, our cooperative efforts with industry are doing much to clarify industrial waste problems. Particularly important contributions by industry have been made in the textile, citrus, paper and pulp, and metal-plating fields. Work in progress at the Taft Center is pointing toward quicker, surer means of detecting and identifying polluting substances and determining

their effects on health. Other research projects are working toward more efficient and more economical pollution control methods.

Assistance to States has provided support in several areas where Federal participation is particularly helpful. Through grants, State programs were strengthened during the 3 years when grants were provided in the appropriations.

At the request of numerous States, and as provided in the present act, a suggested State water pollution control law was developed jointly with the States and interstate agencies. This has been endorsed by the Council of State Governments as a means for improving the individual State programs as well as simplifying interstate mechanics. Using this document as a base, more than half the States have improved their pollution control legislation since 1948.

As part of the cooperative program with States, comprehensive pollution control plans have been developed for many of the Nation's river basins. For example, in the Missouri River Basin, which comprises one-sixth of the land area of the United States, the 10 States concerned have agreed upon a uniform pollution control plan and have outlined the sewage and industrial waste treatment works needed to protect the waters in that basin.

Senator KERR. You say they have agreed upon a uniform pollution control plan. In what form is that agreement?

Mr. PERKINS. Mr. Hollis, would you like to answer that?

Mr. HOLLIS. The States, Mr. Chairman, jointly with the Public Health Service, have worked out agreed water uses, that is, normal uses of the streams, including interstate streams in the area and the water quality standards required to preserve these uses, and hence the treatment of sewage and industrial wastes as required to protect stream uses.

These programs have been worked out cooperatively throughout the Basin on all interstate streams and agreed to.

Senator KERR. By whom?

Mr. HOLLIS. It was worked out by the States and Public Health Service on a joint cooperative basis.

Senator KERR. I am not trying to argue with you. I am just trying to get a picture. You say a State agrees with another State. That is a very technical procedure and has to be done, I would presume, by interstate compact authorized by the legislatures of the States and by the Congress of the United States, and then the designation of representative agencies.

When you say that 10 States have agreed upon a uniform pollution control plan I would like to have you enlighten me and put in the record the detailed information of who did it.

Mr. HOLLIS. I should have explained before, Mr. Chairman, that this was an informal plan that was worked out under a regional interstate council agreement. There was no legal authority behind the council meeting.

Senator KERR. Then what you evidently are describing is a recommended plan which has been worked out by representatives of the National Health Service and health agencies of these States?

Mr. HOLLIS. Yes. That would have been better so expressed.

Senator KERR. All I am looking for is accuracy. That is all I seek in this examination of your statement.

Then if that is correct, we will understand what you refer to there. Now you may proceed.

Senator HRUSKA. Are we to understand it is not a written agreement but an understanding? It is a series of meetings in which a meeting of minds was probably arrived at?

Mr. HOLLIS. If I may take a moment, the individual States submitted data on sources of pollution in their States, the effects of such pollution, and their views as to stream uses within their States. These data were put together by the Service and a draft report prepared. Then in a series of meetings, extending over a year, the report was discussed, compromises made, and agreements reached between the States, informal agreements of the official representatives of the State water pollution control groups.

So that finally a written report, a final draft, was prepared and submitted to the States and approved by each of the 10 States.

Senator KERR. By whom in the States? The legislature? You say something was approved by the States. To have meaning you have to disclose who did it.

Mr. HOLLIS. It was approved, Mr. Chairman, only by the State water pollution control authorities.

Senator KERR. Then you should say that, I mean for purposes of accuracy.

Senator HRUSKA. That is what I am driving at. If there is an agreement presumably it is signed by someone, Mr. Chairman. I am trying to get that. We don't even know who attended the meetings, do we?

Senator KERR. I join you in that.

Mr. HOLLIS. They were approved by the State water pollution control agency in each State, and it was set up as a published report properly qualified in that respect.

These reports are intended primarily, Mr. Chairman, as blueprints to proceed with pollution control measures by the States.

Beyond the informal status of the group they have no official formal status. Certainly they were not approved by the Governor or the State legislatures in question, and hence not submitted to Congress for approval.

Senator HRUSKA. Then it would be more proper to say that the States have never agreed.

Mr. PERKINS. It is true. It would be more proper to say the water pollution agencies of the 10 States have agreed.

Senator KERR. Have agreed upon a recommended plan, I would presume, would be a more accurate statement, wouldn't it?

Mr. PERKINS. This is final, I take it. This is as far as they plan to go with it. Is that it?

Mr. HOLLIS. That is true.

Senator KERR. Then I would say it died aborning.

Senator SYMINGTON. Mr. Chairman.

Senator KERR. Senator Symington?

Senator SYMINGTON. When did the 10 States approve?

Mr. HOLLIS. Senator, I am sorry I don't have the report with me. Final action on it, to my recollection, was last year. However they have been working on it.

Senator SYMINGTON. Where was it approved?

Mr. HOLLIS. The final draft, sir, was submitted to each State and to the water pollution control authority.

Senator SYMINGTON. Who submitted it?

Mr. HOLLIS. The Public Health Service, our office.

Senator SYMINGTON. They submitted it to whom?

Mr. HOLLIS. To the State water pollution control authority.

Senator SYMINGTON. Of each State?

Mr. HOLLIS. Of each State. Yes.

Senator SYMINGTON. And the water pollution control authority of each State signed something and sent it back to you?

Mr. HOLLIS. Yes. They reviewed the report and sent back a statement that they were in agreement, that is, the water pollution control authority in that State was in agreement with the statements in the report and the recommendations proposed.

Senator SYMINGTON. Who made the report?

Mr. HOLLIS. As I say, sir, it was a compilation of State data originally, then the draft went through several meetings of the State agencies, officials of the State agencies.

Senator SYMINGTON. You say the State did it originally?

Mr. HOLLIS. It was their original data; yes.

Senator SYMINGTON. So the State approved it and sent it to you and then you approved it and sent it back to them and then they approved it?

Mr. HOLLIS. It didn't follow just that way, sir. The States submitted the data from each State on the sources of pollution within their State, the amount of that pollution, and what that State agency believed was a practical limit of treatment for that source of pollution, and what their general plan was in the State with respect to sponsoring or correcting pollution within the State.

These data from each State were compiled with respect to the interstate streams, the streams crossing State lines, the question then was whether or not the degree of treatment as proposed in State A was sufficient to protect the normal uses of that stream in State B. These were the points that our office worked with the States involved to see if we could effect agreement. In the final document that was prepared, in addition to the sources of pollution and so forth, was included what the States would agree to be a reasonable treatment for waste within their State, and acceptance by the adjoining State of that degree of treatment.

Senator SYMINGTON. But each adjoining State would be affected, not just two States.

Mr. HOLLIS. Yes.

Senator SYMINGTON. And that has all been correlated, coordinated by your department and sent back to all the States, and all the States have now signed an agreement of what you think would be right for all the 10 States, after looking at the data each State sent you, and those States have agreed with you that your plan is satisfactory to all those States; is that correct?

Mr. HOLLIS. To the State water control agency; yes.

Senator SYMINGTON. Whoever it was that you wrote to in that State has agreed that it would be all right; is that correct?

Mr. HOLLIS. Yes.

Senator SYMINGTON. Thank you.

Senator KUCHEL. Let me see if I understand this, Mr. Chairman. Is this not the factual situation: Each of those 10 States in the Missouri River Basin presumably by State statute have created water-

pollution agencies. They have a responsibility. Overlapping that responsibility is a Federal responsibility by reason of the interstate status of the stream. If I understand what you have done, you have attempted, by negotiation and working with the different States, not only to pass information of what State 10 in the line may be doing to State 1 in the line, and to others, but you have also recommended that where one State may not be enforcing rules of a fashion that you believe may be necessary, you have urged it either administratively or back through its State legislature from a legislative standpoint to raise the standards. Is that the kind of atmosphere in which you worked?

This has not been a compact to the extent that you have a legal, binding requirement by States reached in an informal manner. This is merely an attempt to correlate on the part of the Federal Government within the sphere of State jurisdiction a reasonable level of enforcement.

If I am wrong in that, I would like to pursue the subject further, because I agree with you, Mr. Chairman, that when you talk about compacts that has, as you suggest, a technical and special meaning which binds States.

But it seems to me here what the Federal agency has done is, on a basis of negotiation, tried to bring into a basin-wide area similar State enforcement under, I suppose, similar State law. Do you understand that to be it?

Senator KERR. Senator, I understand what you have said, and I contemplate it as a possibility of what may exist. I must say that in my judgment it is pure speculation on your part as to what may possibly be the case.

It is clear to me, from what the gentlemen have told me. This gentleman has said that there has been a final document prepared and signed, as I understand it. I would presume that he would make that available for the record and that it would speak for itself.

Mr. PERKINS. I think that is a very good sentence, Mr. Chairman. We would be happy to supply a copy. In fact, we have sent for it now.

Senator KERR. It wouldn't hurt if there were someone here who knew what it was.

Mr. PERKINS. We will try to have that sent up right away.

Senator KERR. You say, "As part of the cooperative program with States, comprehensive pollution control plans have been developed for many of the Nation's river basins."

I would think you would supply those if they are comprehensive control plans. To be such they must have the dignity of agreements. If they exist, I would think you would supply them for the record.

I would also believe that a copy of this final document, which you tell us about, and which I understand you to say discloses the uniform pollution control plan that has been agreed upon by 10 States, would be of such significance that it ought to be a part of this record.

I am sure, then, that if you supply that both you and we might become acquainted with it.

Mr. PERKINS. I would be very happy to do that.

(Copies of "A Comprehensive Program for Control of Water Pollution, Missouri Drainage Basin") on file in committee files.

Senator KERR. Do you have other questions, Senator Hruska?

Senator HRUSKA. Unless we are going to get into the method by which that was arrived at. I would like to inquire whether that Interstate Basin Agency was one of the channels through which this uniform plan for the Missouri River Basin was negotiated and worked out.

Did your department deal directly with these water-pollution agencies for each State severally, or was an approach made through that basin agency which has been created, that voluntary body which has been created by these 10 States for the purpose of considering problems just like this on a joint basis rather than picking them off one by one severally?

Mr. HOLLIS. It was through the informal State group, Mr. Chairman. As a matter of fact, it was a special committee of this Missouri Basin, informal committee that has been set up to deal with the various aspects of the water-resources-development program.

But again that is an informal group. It is not a formal interstate compact in the Missouri.

Senator HRUSKA. That is right. But on the other hand, by common consent the problems which those States had in common, relating to this type of problem, have been gathered into that agency for joint action rather than for the States to approach these matters, whether it is wildlife, sanitation, or anything else, individually.

The purpose of my inquiry is to determine whether that basic agency was bypassed and you dealt with the States individually or whether you did deal with the agency.

Mr. HOLLIS. We dealt with a special committee of that agency.

Senator SYMINGTON. I don't quite understand the committee. I thought you said that you here in this agency worked with each individual State. What is the committee? Was there a committee here, too, from the State? How did you handle that?

Mr. HOLLIS. Normally if there were no mechanism at all set up in a major river basin, then our approach would be first to the individual States.

Senator SYMINGTON. There was a mechanism set up?

Mr. HOLLIS. There was an informal mechanism.

Senator SYMINGTON. Isn't there a commission for the Missouri River Basin of some character where the governors are in there on the water development? The governors and people appointed by the President and so forth?

Mr. HOLLIS. Yes.

Senator SYMINGTON. Did you work with that group?

Mr. HOLLIS. Yes.

Senator SYMINGTON. That is what I was trying to find out. When you worked with that group as a group you really weren't working with each individual State based on their shipping something in to you and you shipping it back to them. Is that right?

Mr. HOLLIS. Yes.

Senator SYMINGTON. Where did you have the meeting with that group?

Mr. HOLLIS. All the meetings were out someplace in the Missouri Basin.

Senator SYMINGTON. So you did it in the region itself rather than having them send things in to you here in Washington?

Mr. HOLLIS. Oh, yes, sir. For example, in the upper reaches, the North Dakota area, there were special problems up there on the streams and rivers that had to be fit in. That meeting in that area only affected North Dakota and South Dakota.

Senator SYMINGTON. What you actually did was to sit down with these people all together in a group, working it out together in a group, instead of them initiating it in the State and sending it to you and you sending it back to them?

Mr. HOLLIS. That is correct.

Senator SYMINGTON. Is that correct?

Mr. HOLLIS. Yes. May I add one point more that might clarify it? These so-called comprehensive plans, of which the Missouri Basin plan was one, it was our understanding of section 2 of the act that directs the Surgeon General, after careful investigation and in cooperation with other Federal agencies, with State water-pollution control agencies and interstate agencies, and with the municipalities and industries involved, to prepare or adopt comprehensive programs for the elimination or reduction of pollution of interstate waters and tributaries thereof and improving the sanitary condition of surface and underground waters.

It was within that authorization, that directive, that we were proceeding.

Subsection (b) of section 2 of the present act directs that the Surgeon General shall encourage cooperative activities by the State for the prevention and abatement of water pollution, encouraging the enactment of uniform State laws relating to the control of pollution, and encouraging compacts between the States.

It was within the intent of that language in section 2 of the act that we were using whatever mechanism was the most practical in that particular basin to work toward these comprehensive programs, using the term as spelled out in the act.

Senator KUCHEL. What you have done then, generally, is to use your responsibility and your jurisdiction to encourage States to have the same type of law, uniform legislation on water pollution. You have encouraged them, I also assume, to have uniform enforcement within their own jurisdiction.

When you use the word "compact" you run into trouble because the chairman and the Senator from Missouri, I am sure, look on that word as a specific legal term which means a compact as the Constitution contemplates it.

Have there been any compacts between the States in the strict legal definition of the term "compact"?

Mr. HOLLIS. There are 5.

Senator KUCHEL. Those have gone through the orderly process and have been adopted by the Congress?

Mr. HOLLIS. Three of them have been approved by the Congress.

Senator KUCHEL. And those deal with the problem of water pollution?

Mr. HOLLIS. With the total problem of water resources. For example, the Ohio compact.

Senator KUCHEL. They are all relevant, however, to the subject of control and prevention of water pollution?

Mr. HOLLIS. Quite so; yes, sir. And under the terms of this section 2 of the act there was no real need for our going into the Ohio Basin, for instance, and work with the States on comprehensive plans because the States had already agreed on an interstate compact with authority to do this.

Senator KUCHEL. Do you comment on the strictly legal compacts that have been entered into in your statement?

Mr. PERKINS. Very briefly in the next paragraph. And there is further mention of it which Mr. Hollis will make with respect to a chart map that he has.

Senator SYMINGTON. You mentioned the Ohio. What are the other two regions where you have a compact?

Mr. HOLLIS. Delaware River Compact Commission, Potomac Compact Commission, Metropolitan Area Compact Commission—that is the New York metropolitan area, and the New England Compact.

Senator SYMINGTON. That is 5. You said 3 of those had been finally passed. What are they?

Mr. HOLLIS. That were approved by Congress?

Senator SYMINGTON. Yes.

Mr. HOLLIS. The Ohio Compact Commission, the Delaware Compact Commission, the Metropolitan Compact Commission. And incidentally I am in error, because the New England Compact Commission has been approved. There are several other commissions between States. The Tri-State Commission, for example, North and South Dakota and Minnesota. But that is an informal agreement between the governors of the three States and it is not in a legal sense a compact. It is more an informal report to work out something on the Red River Valley.

Senator SYMINGTON. Moving ahead a little bit. You say: "Also assistance has been provided in connection with formation of several additional compacts or commissions which are at present under consideration by the States." You tie in compact and commission. A compact is not a commission, and a commission is not a compact. What is the thinking behind that sentence.

Mr. HOLLIS. Perhaps it is not clear, sir. In some instances States today are negotiating between themselves for the establishment of a formal compact. There is one on the Tennessee. There is another on the Columbia Basin. Then there are others. At the same time there are other States, the South Carolina-Georgia area on the Savannah River, for example, where the States do not feel a formal compact is necessary, but they want to set up a commission.

The purpose of the commission, each State would not delegate to that commission any legal authority but they would authorize that commission to meet, consider problems in the river valley that are of common concern, and perhaps hopefully work them out. If they can, it has no legal status. There will be many others in this question of developing—

Senator KERR. What you are saying, in a sentence, is that the definition of a compact would be something which would end up in a legal status and the commission would be something where there was informal agreement but no legal statutes. Is that correct?

Mr. HOLLIS. That is correct.

Senator SYMINGTON. You would have commissions prior, probably, to having compacts, would you not?

Mr. HOLLIS. You do; yes, sir.

Senator SYMINGTON. So that you might also say that a commission would be a step prior to a compact, unless the commission decided it wanted to stay as an informal commission and not as a legal compact. Is that right?

Mr. HOLLIS. Yes, sir. Most of instances where we have formal legal compacts they did start in some other form, either in informal committee or commission or some other status.

Senator GORE (presiding). I notice on page 2 of your statement you say that there is already a water shortage problem in the Missouri River Valley. Would you identify that shortage more specifically?

Mr. HOLLIS. In many river watersheds, the water uses, the water needs have been developed to a point where they are using all the normal flow in the stream during the summer months when the flow is low, so during a drought, which we had last year and the year before, we experience water shortages in the cities for public water supply and for the industries that need water in the production of their products. In many areas the water needs are approaching the available supply under normal conditions. So that a subnormal dip in supply produces water shortages.

Senator GORE. The shortage there then is an entirely seasonal matter?

Mr. HOLLIS. A seasonal matter and one complicated by pollution.

Senator GORE. That is what I want to get to. To what extent has pollution lessened the water supply in the Missouri Valley?

Mr. HOLLIS. In the Missouri Valley, as a total watershed, pollution is not serious as we think of it in some of the New England basins. There are areas in the Missouri Valley where pollution does destroy some of the normal uses. On the Platte River, for example. In the main stem of the Missouri, aside from the few metropolitan areas at the lower reaches, the pollution is not too serious in the Missouri itself. It is up in the tributaries.

Senator GORE. Would you say the water shortages, even the seasonal ones, are also on the tributaries?

Mr. HOLLIS. Definitely.

Senator GORE. There is no water shortage yet, then, on the main stem of the Missouri Valley?

Mr. HOLLIS. Certainly not for public water supply and industrial water supply.

Senator GORE. That explains it because it had not occurred to me that there would be a water supply shortage in the Missouri Valley proper. You are identifying it then as being on the tributaries?

Mr. HOLLIS. Yes, sir; on the basin.

Senator GORE. Would you say the same with respect to the shortage of water in the Ohio River Valley?

Mr. HOLLIS. Very definitely. It is up on the tributaries.

Senator GORE. Which tributaries?

Mr. HOLLIS. I would think, right off, the Big Miami, in the Dayton area down to the mainstream. That is a highly developed valley in the Ohio, with industries and population built up, where the pollution problem has definitely affected the uses, the normal uses of the water

in that valley. The Little Miami is similar, but it is not quite so pronounced.

The Scioto would be another example and the——

Senator GORE. What about the Monongahela?

Mr. HOLLIS. A good example. In the Ohio River itself there is plenty of water but again this is a highly industrialized area, and the Ohio Valley incidentally has the added problem of acid mine drainage from the abandoned coal mines in the West Virginia, Pennsylvania, and other areas, where we have some 10,000 tons of acid a day getting into the stream.

Senator GORE. What effect is the prospective water shortage having on industrial plant location now, whether that shortage be a shortage per se or shortage engendered by pollution?

Mr. HOLLIS. It is having a very definite effect, sir, because the pollution, excessive pollution, not only deteriorates the water quality but of course the quantity because of its usability. There are many areas, notably in New England, where a further expansion of industry, water-consuming industry, will be limited because of the quantity-quality relationship. That is, the limited amount of water and the quality of water due to pollution.

We will see more of it as we move ahead with expansion of our industrial economy and industry will tend to move toward areas where water is available. It will have to. It takes a lot of water to support industrial production.

Senator GORE. Would you identify the shortages along the eastern seaboard to which you referred?

Mr. HOLLIS. I am sorry, sir, I do not have those with me. We could supply them for the record. My memory is that they were related, again, to the industrial water needs in areas where pollution was high. I know there were a few areas where agricultural water uses were going to have to be limited, that is, use of streams for irrigation, because of a short water supply.

Senator GORE. Was there not a water shortage in being or threatened in New York City last year?

Mr. HOLLIS. That was not exactly a shortage. It was a shortage in the sense that their presently available supply at the time, due to the drought, was getting dangerously low. However, they did have the Hudson River to tap. But their facilities, the engineering works to use the Hudson River, the tunnel, was not finished. So there was a period in there when New York City was extremely short, yes, and it was due to the extended dry spell.

Senator GORE. Has the tunnel to the Hudson been completed?

Mr. HOLLIS. I think it has.

Senator GORE. Are there any further questions on this point?

Senator Symington?

Senator SYMINGTON. I have no questions.

Senator GORE. You may continue with your statement.

Mr. PERKINS. I recall a distinct water shortage in New York City in the summer of 1949. I remember going without shaves and similar conservation efforts. So you are certainly correct that the New York City area has had shortages.

Senator GORE. You may proceed.

Mr. PERKINS. The present act directs that we encourage compacts between States for water-pollution control. Where such compacts

have been established, we have conducted our activities in close cooperation with them. Also assistance has been provided in connection with formation of several additional compacts or commissions which are at present under consideration by the States.

In collaboration with the States and interstate agencies, we have worked on more than 100 locations where interstate pollution is of consequence. In a number of instances, corrective action has already been taken by the cities and industries involved.

Looking to the future: Your committee, Mr. Chairman, in its many reports on water pollution, has pointed out the complexity of the problem and has stressed the fact that there is no simple solution. Control of pollution must be approached in a practical manner. In determining the remedial measures that might be employed to control pollution, we must strike a balance which maintains quality of stream waters for desirable uses, and at the same time permits reasonable use of the streams for disposing of treated sewage and industrial waste.

There is a growing awareness of the national significance of water pollution. This awareness is reflected in newspapers and magazines and in the technical and industrial press. It is reflected also in statements and policies adopted by industrial groups and by citizens' organizations. Some of these statements have involved demands for drastic action, often prompted by critical local situations. Water pollution is serious, but we are confident that we can work out practical solutions through the strengthened program proposed in S. 890.

Before discussing the significant amendments of S. 890, I should like at this time to ask Mr. Mark D. Hollis, Chief Engineer of the Public Health Service, to portray the pollution problem and the program as it now operates.

Mr. Hollis.

With your permission, Mr. Chairman, Mr. Hollis will use some charts that are behind us.

Mr. HOLLIS. Mr. Chairman, as was stated a moment ago, excessive pollution not only deteriorates the quality of streams but it has an impact on quantity in that it destroys normal water uses. In this sense, then, water-pollution control becomes a water-conservation measure of some importance. This is significant because in the Nation the water supply is fairly constant. That constant supply has to support a growing population and an expanding economy.

In 1900, with 75 million people, 75 percent or about two-thirds, lived on farms. Low water consumers, they had little pollution. The industrial production was small.

In 1950 the population had doubled and it had shifted. Now 65 percent were living in cities. Industrial production had increased 700 percent, and what is quite significant, over half of that 700 percent has occurred since 1940.

By 1975 we will be in the 200 million population range and our industrial production will double. It is estimated it will double our present 1950 level.

As we move toward these newer levels the water-shortage problems are going to become more acute.

Senator SYMINGTON. May I interrupt?

Mr. HOLLIS. Yes, sir.

Senator SYMINGTON. You show 75 million people in the country in 1900, and 150 million in 1950; doubling in 50 years. Your projection shows it will not double between 1950 and 1975. In other words, it goes up one-third, from 150 million to 200 million?

Mr. HOLLIS. Yes, sir.

Senator SYMINGTON. What department of the Government gives you that extrapolation with respect to population?

Mr. HOLLIS. The Bureau of the Census.

Many of these deficiencies will be worked out through the normal water conservation measures, that is impounding water, construction of dams to hold back storm waters and even our streamflows. But by and large I believe, that the answer will be in the treatment of the used water by cities and industries, the treatment sufficient so that the streams can be used over and over as they go from city to city and industry to industry.

It is that reuse concept principle that we have to develop and practice.

The next chart, a schematic drawing, is an effort to illustrate that reuse concept. For primitive areas the cycle is simple, from stream to use to stream. As population densities have grown it was necessary to install water treatment and purification ahead of use. This was the big public health measure that has practically eliminated the major epidemics of waterborne diseases in the country. So that the cycle is use and purification and back to the stream.

Streams have the ability to absorb pollution up to a limit. The purpose of sewage and waste treatment is to remove enough pollution, or to condition the waste so that as it is discharged to the stream the final purification job can be done by the stream without impairing the normal stream uses and to preserve wildlife, recreational and other values, and also to make the reuse cycle then complete.

We must keep in mind an economic point here in that in treating sewage and waste, after you get above a 60 to 80 percent purification of sewage and waste, if you have to treat beyond that point then the cost of treatment per percent of pollution removed is exceptionally high. The problem always to keep in balance the requirement of treatment against the ability of the stream to complete the job.

The next two charts jointly show the pollution trends from 1920 to 1955. In both cases the figures are computed on the basis of the standard pollution unit. They are on the same scale for simple comparisons. With respect to the municipal trends, as you note, they followed the population and urban growth.

As of 1955, of the approximate 100 million sewage population, about half of that pollution was removed through municipal waste treatment before discharge to streams.

With respect to industrial pollution the trend shows the unprecedented and phenomenal increase in the nondurable industries between 1940 and the present date. However, we should point out, though, that industry itself has done, since 1940, a remarkable job in removing industrial pollution before discharge. Approximately 40 percent of the total industrial pollution load now is removed before discharge to the streams.

While there is a formidable job in both cases of reducing the pollution of the streams, we do not have to remove all of it, as noted before.

Enough of the pollution has to be removed so that in each instance the streams can complete the job. The Water Pollution Control Act of 1948 was the first comprehensive approach. This illustrates the key program features of that act, the act which expires June 30, 1956. The act provides specifically for research, with emphasis on industrial research, new types of pollutions for which we did not know practical methods of treatment.

Next is the consulting services to States. This is technical assistance. While we would answer requests from States on practically all problems of pollution, generally the requests were on highly technical problems that go beyond the usual resources of the individual States.

Next is the development of these watershed programs which we discussed a few moments ago.

Next is the interstate cooperation. There are many aspects of interstate cooperation spelled out in the act which I will touch on in a moment.

There are also several provisions of financial assistance to States in the act. However, only one was implemented by appropriation. That was the one, the grants to States, for programs to assist the States in developing their programs. Those grants authorized that \$1 million a year be made available for 3 of the 7 years of the act.

There is also a provision for limited Federal enforcement on interstate pollution. That is pollution originating in one State and crossing State lines.

I would like, if I may, by way of illustrating the program, to touch again on the watershed programs, interstate cooperation, and enforcement. I might mention that because of the great significance of research the present act authorized the construction in Cincinnati of a sanitary engineering center which is now built and has been named the Robert A. Taft Sanitary Engineering Center.

Also authorized was a presidentially appointed advisory board to work on program policies and so forth.

If I may touch again on the watershed programs: First needed in the development of these programs was some system of providing base data on water pollution across the country. These data were to show the location of all the major pollution sources, the volume of the pollution, and its known effects. We have done that for the country as a whole by major watershed areas, and have worked out with the States an agreement whereby the States themselves report their base data in a uniform manner.

Senator SYMINGTON. What is the technical definition of a watershed?

Mr. HOLLIS. It is the land area that drains into a stream, the total drainage area that drains toward and finally into a major stream.

Senator SYMINGTON. A main stream?

Mr. HOLLIS. A major stream. Of course you can have major watersheds like the Ohio, which runs into the Mississippi, or you can have subwatersheds like the Big Miami and so forth. The watersheds that we have listed here are pretty much the standard that has been adopted by the various Government agencies so that we have comparability.

Senator SYMINGTON. How many watersheds have you got?

Mr. HOLLIS. Fifteen, sir, that we use. With these data being kept constant, it is from these that we move toward these watershed programs which we discussed a moment ago, as directed in the act; that

we would work with the States toward some system of developing these programs on water uses, the standards of water quality, and the treatment requirements to maintain and protect those uses.

In areas where there were formal interstate compacts, in Ohio, for example, the interstate compact commission itself, the authority itself would do this job. It is in those areas where there are no such interstate compacts that we were concentrating our efforts.

Senator KERR (presiding). I have a question or two before you leave that chart.

On page 5-F of this statement is this language: "The shaded areas on the chart show where the comprehensive plans have now been formally adopted."

Will you identify the shaded areas on the chart?

Mr. HOLLIS. They are these overlays, Senator.

Senator KERR. It looks to me like it is all shaded.

Mr. PERKINS. The wiggly lines are the rivers and the shaded lines are the slanting, regular lines.

Senator KERR. I notice this shaded area includes Oklahoma, Arkansas, part of Louisiana, part of Texas. You say these programs are not merely reports to be stowed away on a shelf. What are they?

Mr. HOLLIS. They are guides to be used by the States in their program of water-pollution control.

Senator KERR. Are they such comprehensive plans, and is the formal adoption such as you have described with reference to Missouri?

Mr. HOLLIS. Yes, sir. It is the same type of adoption. It is not, in the legal sense, formally adopted.

Senator KERR. I understand that they have an interstate compact in certain areas. Is that correct?

Mr. HOLLIS. Yes, sir. The Ohio, for example.

Senator KERR. I notice you do not have it shaded at all?

Mr. HOLLIS. No, because they are developing their own program. The States have assigned certain responsibilities to that interstate commission.

Senator KERR. Is there a New England compact?

Mr. HOLLIS. Yes, sir; and that compact did develop the program, and it was adopted after development by the Interstate Compact Commission. For example, when the Ohio Compact Commission develops its comprehensive program, the Surgeon General would adopt it.

Senator SYMINGTON. Would the Chair yield for a question?

Senator KERR. Yes.

Senator SYMINGTON. Mr. Hollis, you say here "The shaded areas on the chart show where the comprehensive plans have now been formally adopted." I thought you just finished telling us that the Missouri Basin had not been formally adopted? And that three others have been formally adopted. I do not think 1 of those 3 was the Missouri Basin.

Mr. HOLLIS. The unfortunate wording in the report, Senator—

Senator SYMINGTON. Did you make the report? Is this your language?

Mr. HOLLIS. Yes, sir. But I intended to mean by it under terms of section 2 of the act itself. You see the act directs—

Senator SYMINGTON. I did not mean to be critical. I was hoping that you could say that you had not made the report or did not like the language or something.

Mr. HOLLIS. I did write that. The word "formal" as used refers back in its context to section 2 of the act that directs that the Surgeon General shall prepare or adopt, and that was the sense of it.

Senator KERR. What I would like to know is, What areas have compacts duly authorized by the Congress, formalized by the legislatures of the States. That is the only way that I know of that a plan can be formally adopted. Is your legal representative here?

Mr. PERKINS. Yes, sir. Mr. Saperstein is here.

With references to the word "adopt" which seems to be the cause of the trouble, I would like to read section 2 (a) of the existing law, Mr. Chairman, which says: "The Surgeon General shall, after careful investigation, and in cooperation with other Federal agencies, with State water-pollution agencies and interstate agencies, and with municipalities and industries involved, prepare or adopt comprehensive programs for eliminating or reducing the pollution of interstate waters and tributaries thereof and of improving the sanitary condition of surface and underground waters."

That "prepare or adopt" language is the language which we are using as the language to which the text of the chart presentation, which has been questioned, refers back to.

Senator KERR. I went under the assumption that if the word was used here that I would go to the dictionary to find what it meant. That is really what I had assumed. Do you feel that I am going to be required to do something else to understand it?

Mr. PERKINS. No, sir; but I do confess that we were referring back to the language—

Senator KERR. I am not criticizing you. I am trying to get my own information clear and the record straight.

Mr. PERKINS. We are using the language of the existing law as to the duties of the Surgeon General, namely to adopt—

Senator KERR. I thought this was a statement of the Secretary of Health, Education, and Welfare?

Mr. PERKINS. Yes, sir. And in this particular point, in describing these watershed programs, where the text of chart 5 uses the word "adopt" it was in the same sense as used in the present law.

Senator KERR. The dictionary says:

1. To take by choice into some relationship, such as that of heir, friend, citizen, etc.; to take voluntarily (a child of other parents) as one's own child.
2. To take and apply or put into practice as one's own (what is not so naturally).
3. Parl. Practice. To accept, as a report, in acquittance of a duty imposed.

When you say that a comprehensive plan involving a number of States has been formally adopted, I would presume that you would have to refer to the States having adopted it. Otherwise I would need to see some authority where somebody else could formally adopt a plan, that would affect or be binding on the States.

Senator HRUSHA. May I suggest, Mr. Chairman, the language of that section which was just read by the witness is that "the Surgeon General shall adopt." Of course it would be adoption for his purposes, but I rather agree with you, I do not see how that bridge would be built way over to the States in a binding form. The language is

that the Surgeon General shall adopt. It is unilateral. It is purely unilateral. It is not bilateral at all in the language of the statute.

Senator KERR. At the other place in the statement where we were discussing this, it was set forth in the statement "The present act directs that when we encourage compacts between States for water pollution control." That is on page 4.

Mr. PERKINS. Yes, sir. That refers specifically to section 2 (b) of the present law which immediately follows the section to which Senator Hruska has just made reference.

Senator KERR. I would like to have your attorney answer this question: Do you conceive of any plan having any efficacy or any force and effect as between States unless they have approved it by a compact?

Mr. SAPERSTEIN. No, sir; and the act specifically so provides. We are to encourage the compacts, and the consent of Congress is specifically given by the act to the negotiation of compacts. But the act also provides, as it must under the Constitution, that the compacts are not to be binding or obligatory on any of the States until it has been ratified by them and the Congress. But we are specifically directed by the statute to encourage the negotiation of these compacts and to prepare or adopt comprehensive plans.

Senator KERR. They are separate and apart, I take it, from what you and the other gentlemen tell me?

Mr. SAPERSTEIN. No, sir. They are not binding.

Senator KERR. For this statement to be accurate it would have to be that the plans were adopted by the Surgeon General?

Mr. SAPERSTEIN. That is right.

Senator KERR. For it to be effective they would have to be adopted by the States.

Mr. SAPERSTEIN. For it to be enforceable against the States, that is true.

Senator KERR. Or within the States?

Mr. SAPERSTEIN. Or within the States; yes, sir.

Senator KERR. This statement says: "These programs are not merely reports to be stowed away on a shelf." I cannot understand that meaning unless it is to indicate that they are of some force and effect.

Mr. SAPERSTEIN. No. We hope that they will be adopted by the States and that the States will act in accordance with the recommendations in the report, that they will not just be stored on the shelf and not be used by them.

Senator KERR. Are these your plans which you hope will be adopted by the States, and then there are plans which have not been formally adopted by the States?

Mr. SAPERSTEIN. Formally adopted in the sense of a compact, which is obligatory.

Mr. PERKINS. In accordance with your original request we have obtained a copy of the report entitled "A Comprehensive Program for the Control of Water Pollution, Missouri Drainage Basin; a Cooperative State-Federal Report on Water Pollution," dated July 1953.

Senator KERR. May I see it?

Mr. PERKINS. Yes, sir. You will note on the cover it has the names of the health departments of each of the agencies involved, and that

on the preface or foreword signed by the Surgeon General reference is made to this, and I shall read it:

The Public Health Service, as part of its responsibilities under this act, is required to prepare or adopt, in cooperation with other Federal agencies, State and interstate water-pollution-control agencies, and municipalities and industries, comprehensive programs for the abatement of pollution.

This report goes on to describe how reports were obtained from each of the States. I believe on page 14 it sets forth the comprehensive plan. The essence of the plan is the reports of the States as to what their needs are in the way of construction.

Senator KERR. Then this is a cooperative State-Federal report on water pollution?

Mr. PERKINS. I think that is a very good statement, sir.

Senator KERR. That is what it says.

Mr. PERKINS. Yes, sir.

Senator KERR. Then it would hardly be a uniform pollution-control plan which has been agreed upon by the States.

Mr. PERKINS. I accept that amendment. I think you are right, sir.

Senator KERR. Fine. I think it is a very valuable document. I take it that it is an analysis of the needs of these States, and a recommended plan or proposal as to how those needs might be met?

Mr. PERKINS. That is correct.

Senator KERR. And the basis out of which it might be hoped that a uniform pollution-control plan could grow and be agreed upon and put into effect?

Mr. PERKINS. I think that is a much better statement of the situation.

Senator KERR. That is fine. You see it hit me new. I am going to try to learn just as fast as I can.

All right, Mr. Hollis.

Mr. HOLLIS. Mr. Chairman, we have touched already on this.

Senator KERR. You are going to give us the several compacts that have been entered into and the areas included in them for the record?

Mr. HOLLIS. Yes, sir; I did. I can run through it. It is the Ohio River Compact Commission, the Ohio River Valley; the Delaware River Commission; the Metropolitan Commisison—that is the New York metropolitan area; the New England Compact Commission; the Potomac River Compact Commission.

If I may, Mr. Chairman, I am not entirely sure that the names that I have given are the formal names.

Senator KERR. And I am not entirely sure as to what States are included by what you have told me. In order that we both may have a basis to be accurate and sure I would suggest, if you will, that you put the detailed information in the record of the areas and the compacts at this point.

Mr. PERKINS. We will be happy to do that.

(The information requested is as follows:)

INTERSTATE AGENCIES CONCERNED WITH WATER POLLUTION CONTROL

APPROVED BY CONGRESS WITH REGULATORY AUTHORITY

1. Ohio River Valley Water Sanitation Commission (ORSANCO).

Members: Illinois, Indiana, Kentucky, New York, Ohio, Virginia, West Virginia.

Authorized by State legislatures; approved by Congress July 11, 1940.

(Tennessee authorized but has not become a signatory.)

Authority: Study pollution, set standards, order abatement after notice and hearing. (Orders contingent upon agreement of majority of commissioners and majority of commissioners from the affected State.)

2. Interstate Sanitation Commission (Tri-State Pollution Compact).

Members: Connecticut, New Jersey, New York.

Authorized by State legislatures; approved by Congress August 27, 1935.

Authority: Corporate body to study interstate water pollution problems, classify certain interstate waters, and recommend uniform legislation. Authorized to order adoption of treatment methods to achieve standards.

APPROVED BY CONGRESS WITHOUT REGULATORY AUTHORITY

3. Interstate Commission on the Potomac River Basin.

Members: District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.

Authorized by State legislatures; approved by Congress July 11, 1940.

Authority: Investigate, study problems of pollution of interstate waters, recommend minimum quality standards and methods of treatment, recommend uniform laws.

4. New England Interstate Water Pollution Control Commission.

Members: Connecticut, Rhode Island, New York, Massachusetts, New Hampshire, Vermont.

Authorized by State legislatures (Connecticut, Rhode Island, and Massachusetts); approved by Congress July 31, 1947; New York, Vermont, and New Hampshire, signatory members.

Authority: Corporate body to establish standards, approve classifications.

5. *Tri-State Water Commission*.—Members: South Dakota, North Dakota, Minnesota.

Organized June 23, 1937. Authorized by State legislatures; approved by Congress, April 2, 1938.

Authority: Corporate body to study problems, recommend legislation, review and approve plans for works in certain specific waters.

(NOTE.—Not currently active and not shown on chart.)

6. *Bi-State Development Agency*.—Members: Illinois, Missouri.

Organized 1949, authorized by State legislatures; approved by Congress, August 31, 1950.

Authority: Plan, maintain, own bridges, tunnels, etc., and sewage facilities in St. Louis-East St. Louis area. Agency also to plan and establish policies for sewage and drainage facilities and make plans for submission to communities involved.

Marine Fisheries Commissions.—Three marine fisheries commissions; viz., Atlantic States, Pacific, and Gulf States. Primarily concerned with the protection of fishing resources. Approved by Congress, 1942, 1947, and 1949, respectively. Have minor interest in pollution.

NOT APPROVED BY CONGRESS

7. *Interstate Commission on the Delaware River Basin (INCDEL)*.—Members: Delaware, New Jersey, New York, Pennsylvania.

Established April 3, 1936, as informal committee by Conference of State Commissions on Interstate Cooperation. INCDEL later recognized and ratified by each of the States as a regional agency of States "for intergovernmental cooperation."

Authority: Encourage agreements concerning standards and classifications and uniform water pollution legislation.

Mr. HOLLIS. The act does authorize machinery by which the Public Health Service is to work with the States in an effort to clarify or straighten out sources of interstate pollution. We are going to touch on that in our discussion, Mr. Chairman, of the features of S. 890. We did want to show on this map more than 100 interstate pollution problem areas which have been identified, primarily to show the general distribution.

That, Mr. Chairman, in summary, are the highlights of the program as carried out by the act. Senate bill 890 provides a basis to move

ahead with the program that has been started, and with the ways and means of strengthening the act itself.

Senator KERR. Are you familiar with the report by the New England compact group and the detailed list of objections to the bill set forth in the letter from the State of New Hampshire?

Mr. PERKINS. It was New Hampshire, yes, sir. I recall.

Senator KERR. I would like to have the benefit of the reaction of your technical and legal staff to the objections from that State at an appropriate time.

(The requested answer is as follows:)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
April 30, 1955.

HON. ROBERT S. KERR,

*Chairman, Subcommittee on Flood Control, Rivers and Harbors,
Committee on Public Works,
United States Senate, Washington, D. C.*

DEAR SENATOR KERR: During the recent hearings on S. 890, a bill amending the Water Pollution Control Act, there was introduced into the record on April 22, 1955, a letter to Senator Norris Cotton from William A. Healy, technical secretary, New Hampshire Water Pollution Commission, stating that commission's position with respect to S. 890. You asked that we submit our views on the 6 points outlined in the letter. The points as expressed in Mr. Healy's letter and our comments follow:

(1) Senate bill 890 was prepared and drafted for submission to Congress without consultation or discussion with the States and thus no opportunity was afforded the several States to cooperate in the development of legislation which would avoid conflict with State legislation on the subject.

Substantive proposals to amend the present Water Pollution Control Act were under discussion as far back as 1951. In that year a series of five regional conferences were arranged with the State water pollution control authorities. One of these conferences was held in New York City on September 13 and 14, 1951. The State water pollution control authorities of the New England and Middle Atlantic States were invited to this conference. The New Hampshire Water Pollution Commission was invited but did not send a representative. Discussions at these regional conferences included various aspects of the water pollution control problem, including the pros and cons of the State consent requirement and other factors in the enforcement provision of the present act. The matter of water quality standards at State boundaries was not discussed at these meetings since this proposal was not under consideration at that time. The ideas and views obtained from these conferences formed the basis for drafting many of the provisions now appearing in S. 890.

On November 4, 1954, the Surgeon General discussed the principles which are included in S. 890 with the executive committee of the Association of State and Territorial Health Officers. Subsequently at the annual meeting of this association on December 6 to 10, 1954, the specifications, which formed the basis for drafting S. 890, were presented and discussed in detail. The Association of State and Territorial Health Officers is the national organization most representative of the official water pollution control agencies of the States, and hence its machinery was used as a practical means of discussing the legislative proposals with the State authorities.

In a further effort to obtain the views of States and other interested authorities, this Department invited 14 professional, industrial, and conservation groups to be represented at a meeting on November 22, 1954, to discuss the principles to be incorporated in proposed water pollution control legislation. The national groups represented were:

- American Chemical Society.
- American Municipal Association.
- American Public Works Association.
- American Society of Civil Engineers.
- American Water Works Association.
- Conference of State Sanitary Engineers.
- Federation of Sewage and Industrial Wastes Associations.
- Izaak Walton League of America, Inc.

Manufacturing Chemists' Association, Inc.
National Association of Manufacturers.
National Wildlife Federation.
Outdoor Writers Association.
United States Chamber of Commerce.
Wildlife Management Institute.

On December 13, 1954, this Department discussed various aspects of its proposed legislative program with staff representatives of the Council of State Governments. At their suggestion, a special followup meeting was held on January 5, 1955, to review with the Washington staff of the council the details of the legislative proposal for water pollution control.

In order to promote full and frank discussion, we informed the representatives at these meetings that there would be no published report of the sessions, and hence the views expressed would not be used by our Department as indicating the position of their respective organizations on the water pollution control proposal. We cite these meetings as examples of our efforts to develop the legislative proposal only after consideration of the comments and views of interested agencies, groups, and individuals.

(2) The provisions of existing legislation (Public Law 845, 80th Cong.) recognize the primary responsibility and rights of state and interstate agencies to control water pollution. These provisions are proper and are retained in the new proposal.

We concur fully with this view.

(3) Since it is the agreed policy that the States are basically responsible for pollution control, it follows that the States are obligated to provide sufficient personnel and funds in order to effectively carry out their functions relating to the investigation and control of pollution problems. It is our opinion that the States have realized this obligation and there is ample evidence that during recent years considerable progress has been made at the State and interstate level in improving pollution control legislation and providing adequate funds for such program.

Our testimony on S. 890 includes a discussion of this subject and an analysis of the inadequacy of financial support of water pollution control programs in many States. Experience with other health programs has demonstrated the value of matching grants in stimulating States to provide their own resources to do an effective job.

(4) The enforcement procedures available under Public Law 845, 80th Congress, have proven to be adequate and should not be changed. Experience to date with the present law has been satisfactory and we have not been informed of any situation involving interstate waters where it has been impossible for Federal pollution control authorities to obtain required remedial action in regard to pollution problems.

This is not strictly true, inasmuch as the enforcement procedures of the present act have never been fully invoked. Although substantial progress has been made by the States in the control of pollution, practical authority for Federal action against interstate pollution would seem to be highly desirable as a backstop, even though the authority would rarely, if ever, be invoked. The very existence of such authority would serve as an incentive to effective pollution control. The House Committee on Appropriations this year expressed the view that the present act is "almost unenforceable."

Federal action would be required only if State water pollution control authorities fail to discharge their responsibilities—for which the present act and the amendments provide an ample opportunity prior to initiation of court action. Should such situations develop, it seems unfair to the people in a State adversely affected to permit the State contributing the pollution to retain a veto power over Federal court action. If retained, this provision could be used to deprive affected States of the protection of the courts under this act. In carrying out any assigned pollution control responsibility, this Department in all cases would work closely with the States concerned.

(5) Section 7 of the proposed bill which would confer powers on the Surgeon General to prepare, adopt and publish water quality standards for interstate waters is unnecessary and extremely objectionable. The effect of this delegation of authority to develop standards at the Federal level would be a transfer of this power from the States where it can and is being properly exercised. Also it constitutes a circumvention of State and interstate responsibility to enforce pollution control programs for interstate

waters. There are presently in being a number of interstate compacts which provide for the adoption and approval of standards of water quality and we are convinced that the approach to pollution problems in interstate waters. There are presently in being a number of interstate compacts recommend that the provisions relative to water quality standards be entirely deleted from the measure.

The establishment of water quality standards at State boundaries was proposed in S. 890 primarily as a preventive mechanism, and was not intended in any way to weaken or supersede the authority of States or interstate agencies in the control of water pollution. In actual practice we would propose using the Federal authority for establishing standards only where necessary and when concurred in by the authorities of the States concerned. In areas covered by interstate compacts or other authority, there should be little need for Federal action except where specifically requested by the State or interstate authorities. We believe the preventive value of boundary standards is sufficient to warrant their retention in the bill.

(6) We wish to emphatically stress that the Federal approach to the problem of water pollution control should be in the area of research and technical assistance to the States on special problems. By concentration of the Federal effort in this direction distinct economies could result inasmuch as it would avoid any tendency to duplicate State and interstate programs which are primarily aimed toward field investigations, surveys, and enforcement. It is our feeling that definite contributions have been made to date by the Federal agencies in regard to research activities and we can support the provisions of the proposed legislation which would protect and encourage this type of program.

Research, training, and demonstrations constitute major portions of the Federal program concerned with water pollution control. In these fields the Federal Government can make major contributions on problems beyond the normal resources and facilities of the individual State and interstate agencies.

Other aspects of the Federal legislation, however, also are of considerable importance. One of these is the provision mentioned above for Federal matching grants to the State water pollution control agencies and interstate agencies, to enable them better to carry out their responsibilities. Another is the prevention and abatement of pollution of interstate waters having an interstate effect in the rare cases where the State water pollution control agencies or the appropriate interstate agency does not do so. Clearly, however, the major portion of our energies would be expended in assisting the States and interstate agencies to carry out their responsibilities.

We appreciate this opportunity to comment on Mr. Healy's letter.

Sincerely yours,

ROSWELL B. PERKINS,
Assistant Secretary.

Mr. PERKINS. Very well.

I shall pick up on page 6 of the statement, which follows the last chart.

In the years since the Water Pollution Control Act became law, substantial progress has been made in pollution abatement. For example, since 1948, American cities have spent more than a billion dollars for the construction of sewage treatment works. Industry has made great strides in the very costly and complex problem of abating industrial waste pollution. The Manufacturing Chemists Association has reported that the chemical industry alone is spending about \$40 million a year for air and water pollution research and corrective measures.

Despite these efforts, however, the water pollution problem is still formidable and, in a highly urbanized and industrialized society such as ours, it will be a continuing one.

The philosophy upon which this bill is based has two major aspects: First, the control of pollution within a State is the State's responsibility. Here the Federal role is to aid and help support the State effort. Because of the national importance of water resources, the Federal Government has an interest in seeing that these resources are

not seriously damaged. For this reason, the Federal support has the objective of achieving effective programs in all the States.

Second, the control of interstate pollution is a joint Federal-State responsibility. Pollution crossing State lines presents difficulties which transcend the jurisdictions of the individual States. It is on such interstate problems that provision should be made for use of Federal authority if needed. Interstate compacts, whose development we are supporting, should be formed to provide a permanent basis to give continuing attention to interstate pollution problems.

Our experience in working within this philosophy since 1948 has demonstrated that its basic principles are sound. Experience has, however, also indicated the desirability of certain modifications in the law, primarily with respect to procedures. These modifications relate to:

1. Broadening research authority.
2. Strengthening State programs.
3. Establishing standards for interstate pollution prevention.
4. Improving interstate pollution control.

There is an increasing need to broaden and intensify research on the changing pollution problem. We need to know more about the hazards and damages associated with bacterial, virus, and chemical pollution and the effects of radioactive waste materials. We must seek more effective and more economical methods of treating municipal sewage and the wastes from our many new industries. The proposals in this bill are designed to tap the research potential of universities and other nonfederal research centers, in addition to broadening the Federal program of research at our Robert A. Taft Sanitary Engineering Center in Cincinnati.

Senator KERR. Is the Robert A. Taft Sanitary Engineering Center a Federal facility?

Mr. PERKINS. Yes, sir.

Specifically, the bill authorizes grants to universities and other research centers as a means of stimulating much-needed expansion of effort in this field. Authority would also be given for contract research to complement the program at the Taft Center. Under the bill, fellowships are provided as a means for attracting scarce research talents to work in this field.

S. 890 provides a means for attaining more effective and better balanced State programs. Under the present act, the State program is limited in two respects: (1) the funds can be used only for studies and investigations of pollution problems caused by industrial wastes; and (2) there is an appropriation ceiling of \$1 million annually.

S. 890 authorizes use of grant funds for municipal as well as industrial phases of State water pollution control activities. In addition, the bill authorizes an annual appropriation of \$2 million for these grants for the first 2 years, and thereafter such sums as may be determined through the annual appropriation procedure.

In the final analysis, pollution control is achieved through State action to bring about construction of needed treatment works. For this reason, it is essential that the States be adequately equipped to do the job. In recent years, the rapid increase and concentration of industry, and the continuing growth of urban areas, have thrust enormous pollution problems on many States.

Considering their limited resources, the States are doing a remarkable job. Some States have expanded their programs to meet the growing problem. On the other hand, many State water pollution control agencies are inadequately supported. For example, in 32 States appropriations for water pollution control are less than \$50,000 annually; 23 of these States provide less than \$30,000 a year.

The inadequacy of the support of water pollution control activities is particularly significant in those States now on the threshold of large-scale industrial expansion, with the attendant urban development. Heretofore, these States have not been confronted with major pollution problems and hence are not prepared for the difficult task ahead. The type of assistance which the bill would provide will be particularly important to these States.

Senator KERR. Is it the philosophy of this bill—I believe that is what you have said you have now given us—

Mr. PERKINS. Yes, sir. I am now giving you some of the details.

Senator KERR. Are we then to understand that the philosophy of this bill is for the Federal Government to adequately support the pollution control agencies of these States in the instances where the States are not adequately supporting their own pollution and control agencies?

Mr. PERKINS. We would propose that the Federal Government make grants, but to be matched by the States. In other words, the Federal Government would not move in and take over. We do think the Federal Government can achieve the combined Federal-State objectives by assisting the States in boosting their programs.

Senator KERR. Is there basis for that matching set up in the bill?

Mr. PERKINS. Yes, sir.

Senator KERR. What is it?

Mr. PERKINS. It ranges, as the next sentence in the text indicates, from one-third to two-thirds, Federal share, depending on the per capita incomes of the States. In other words, the State with the highest per capita income would have to put up \$2 for every Federal dollar, whereas the State with the lowest per capita income would only have to put up \$1 for every 2 Federal dollars.

Senator KERR. In the event they didn't put up their portion of the total amount, then the Federal funds would not be forthcoming?

Mr. PERKINS. Or they would be diminished corresponding to the amounts that the States were not willing to put up.

Senator KERR. That is, you would only put up to the extent that they would match it on the prescribed formula?

Mr. PERKINS. Precisely.

Senator KERR. We will look with interest to see what suggestion you have in the event the States don't do that.

Mr. PERKINS. I can say right now that there is nothing we would propose that the Federal Government would do if the State is not willing to match—

Senator KERR. To carry out the matching program.

Mr. PERKINS. To carry out the matching program. Of course, every State is putting up something for its program now, as I understand it, although, as I have indicated, it is rather small in some instances. So that presumably every State would "earn"—that is, would be matching—some Federal dollars.

Senator KERR. Is this part of the bill addressed to the program within the States on intrastate streams or their part of the work on interstate streams, or both?

Mr. PERKINS. Both.

Senator KERR. All right. Proceed.

Mr. PERKINS. Under amendments included in S. 890, the Federal grants would be provided on a matching basis—with the Federal share ranging from one-third to two-thirds, depending upon per capita incomes of the States. This change from the existing law which contains no matching requirement should be particularly effective in stimulating the States to move ahead more rapidly on all phases of a balanced program. Experience in other grant programs has shown what matching grants can accomplish in encouraging States to do their own job.

Rounding out our assistance to State programs is the provision of expert consulting assistance on complex problems due to new types of pollution. Our central pool of consultants at the Taft Center is available to assist all the States on problems which, although they occur throughout the country, do not occur frequently in any one State.

The correction of damaging pollution after it has built up is vastly more complex and costly than prevention of such buildups. S. 890 would provide a basis for preventive action by authorizing the establishment of water quality standards, cooperatively with the States, at significant boundary locations on interstate streams.

While this would be a new provision in Federal legislation, it is by no means a new concept. Water quality standards have been utilized successfully by individual States for streams within their boundaries and in a few interstate situations.

Water quality standards would provide an engineering base for design of treatment works by municipalities and industries. Without some provision of this type, some industries and municipalities may be hesitant to invest large sums in establishing new plants or expansion of existing facilities because of apprehension about the ultimate costs of waste disposal requirements.

In general, the proposed standards would be established only where considered helpful by the States concerned. The standards would be based on present and future water uses, and in most cases would be prepared by States and interstate agencies. Adoption and publication of these standards by the Surgeon General will be based upon regulations developed cooperatively with States, interstate agencies, and others concerned. This cooperative effort should serve to strengthen existing interstate agencies as well as to assist in the development of new interstate compacts where they are needed.

Although the bill declares the violation of duly established standards to be a public nuisance, the use of water quality standards is proposed primarily as a preventive mechanism rather than as an enforcement device.

Senator KERR. Although the bill declares the violation of duly established standards to be a public nuisance, you say, that refers to the duly established standards now in existence, or prescribed by this bill, or which will be prescribed by reason of the workings of this bill?

Mr. PERKINS. The last.

Senator KERR. The last?

Mr. PERKINS. Yes.

Senator KERR. Would that declaration of the violation of duly established standards, to the effect that such violation constituted a public nuisance, make those guilty of the violation prima facie liable for damages in connection with the injuries sustained or provable because of the pollution?

Mr. PERKINS. No, sir; not so far as anything in the Federal law is concerned. The Federal law would merely say that it would be grounds for the bringing of an abatement action as provided under present law. Abatement actions are authorized under present law and the violation of a water quality standard, established in accordance with the mechanism set up in this bill, would be a basis for an abatement action.

In other words, the suit that would be brought to enforce a water quality standard would only be the same suit as is authorized by present law with the modifications that we are proposing in the enforcement proceedings.

Senator KERR. Is your legal representative here?

Mr. PERKINS. Yes, sir.

Senator KERR. Is a party damaged by the operations of another party entitled to damage?

Mr. SAPERSTEIN. Yes, sir, they could sue in court under existing law if it is proved to be a nuisance.

Senator KERR. If this act declares it to be a public nuisance, does that not eliminate the requirement for him to prove it?

Mr. SAPERSTEIN. It is a nuisance for purposes of existing law, Mr. Chairman. The Federal law has not been used for purposes of private actions.

Senator KERR. The present act does not declare certain conditions a public nuisance, does it?

Mr. SAPERSTEIN. I think the word "public" is the thing that is misleading. What the present law declares is that pollution originating in one State and adversely affecting the health and welfare of citizens of another State is a public nuisance and subject to abatement in accordance with the provisions of the existing law.

Senator KERR. You do not think the act goes to the extent of establishing such a nuisance, per se, that people a hundred miles away who could prove they were damaged by it would automatically be entitled to recover in a damage suit?

Mr. SAPERSTEIN. It would not establish it as a nuisance for purposes of action by a private party. They could come in independently. Unquestionably if we were to bring suit in court to try to abate this nuisance it would be of such a character that if the private parties did want to and had been injured, they could come in and collect damages for the nuisance.

Senator KERR. If it wasn't or hadn't been abated?

Mr. SAPERSTEIN. Yes, sir.

Senator KERR. Before it is abated?

Mr. SAPERSTEIN. Yes, sir.

Senator KERR. Proceed.

Senator HRUSKA. Will there be a discussion later of the legal mechanics here, later in your presentation?

Mr. PERKINS. We will discuss it in the next 2 or 3 paragraphs and then we will be happy to go in more detail.

In case of violation, the State adversely affected must certify that the water quality is reduced below that necessary for its present or future use before any corrective action may be taken. Thereby the existing principle of joint Federal-State responsibility for interstate pollution control is perpetuated.

There are two amendments of a clarifying nature which we should like to suggest for the committee's consideration in connection with this portion of the bill. I am now referring to that portion of the bill which would be section 7-A of the amended law. It appears on pages 14 and 15 of the bill.

First, the present language of the bill would appear to require that the Surgeon General in each case prepare or adopt the water equality standards. We should like to make it clear that the Surgeon General is authorized, and not required, to do this. In effect, Mr. Chairman, that means that we propose that the Surgeon General not be obligated under the law to set water quality standards at all interstate boundaries, but only where there is some necessity for it, as indicated by the States and by the reports of the Surgeon General and the States.

Second, the portion of the bill which provides that the Surgeon General shall base the water quality standards on regulations should be amended to eliminate any discretion on his part as to whether he will consult with the State water pollution control, interstate, and Federal agencies concerned, thereby making it clear that such consultation by the Surgeon General is to occur in all cases.

Improved control of interstate pollution: Another major modification proposed in S. 890 is also designed to improve control of interstate pollution.

Most of our major streams are interstate in character. Under the present act, Federal authority may be invoked when pollution arising in one State has been shown to damage the health or welfare of persons in another State. Even when this condition exists, the present procedure attempts to effect remedial measures through cooperative State action. This committee stated, in its report on the 1948 act, that Federal enforcement was to be exercised only after the efforts of the States had been exhausted.

The proposed modifications are designed to simplify the enforcement process for greater effectiveness and economy. In the simplification, a significant change is the proposed deletion of the requirement that the State in which the pollution originates consent to the final court action. Even though we anticipate court action would be utilized in only a few instances, the existence of the power on the part of the State in which the pollution originates to veto initiation of court action greatly reduces the potential effectiveness of this provision for correcting interstate pollution.

Senator KERR. On page 11 the statement appears "Another modification proposed in S. 890 is also designed to improve control of interstate pollution. Under the present act Federal authority may be invoked when pollution arising in one State has been shown to damage the health and welfare of persons in another State. Even when this condition exists, the present procedure attempts to effect remedial measures through cooperative State action."

As I understand it under the present law, that action cannot be taken against the State by the Federal Government or anybody else without the consent of the State against whom the action is to be taken.

Mr. PERKINS. That is correct. Abatement action cannot be brought against any defendant within a State, a corporate defendant, an individual or otherwise, without the consent of the State in which that defendant resides.

Senator KERR. How is that consent obtained in evidence?

Mr. PERKINS. Would you like to respond to that?

Mr. SAPERSTEIN. We have never had to resort to that, Mr. Chairman.

Senator KERR. I understand. But if you did have to?

Mr. SAPERSTEIN. I assume we would get it in writing from the Governor.

Senator KERR. Does not the act say that?

Mr. SAPERSTEIN. No, it does not. It just says—let me get the exact words—“with the consent of the Water Pollution Agency (or of any officer or agency authorized to give such consent)”.

Senator KERR. Suppose under the State laws that water pollution agency did not have authority to give that consent?

Mr. SAPERSTEIN. Then we would have to go to the Governor or any other officer or agency authorized to give the consent. And we would have to, as is usual in the case of State law, to go to the State attorney general to find out—if there were any dispute.

Senator KERR. In the proposed modification you say “It is designed to simplify the enforcement process.” And you say. “In the simplification a significant change is the proposed deletion of the requirement that the State in which the pollution originates consent to the final court action.”

Mr. SAPERSTEIN. Yes, sir.

Senator KERR. I would say that that would be a significant change. Would this act then authorize the Federal Government to proceed against one of the States in an effective abatement proceeding, the judgment of which would be final and binding upon the State against whom the action was initiated?

Mr. SAPERSTEIN. It is not to proceed against the State, sir. I cannot conceive of a situation when we would actually proceed against a State. It would be a proceeding against an individual, a corporation, or a municipality in a State that is causing the pollution.

Senator KERR. Under that act can Kansas City proceed against Omaha? or could the Federal Government proceed against Omaha for pollution of water that is going by Kansas City?

Mr. SAPERSTEIN. Kansas City, Mo.?

Senator KERR. Yes.

Mr. SAPERSTEIN. Yes, sir.

Senator KERR. What kind of a judgment would the court have jurisdiction to render in such a case?

Mr. SAPERSTEIN. The court, as the act states, after “giving due consideration to the practicability and to the physical and economic feasibility of abatement of any pollution proved, shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and the equities of the case may require.”

Senator KERR. What court would have such jurisdiction?

Mr. SAPERSTEIN. A Federal court, sir.

Mr. PERKINS. May I ask one clarifying question of our own counsel, sir?

Senator KERR. I think it might be helpful to both of us.

Mr. PERKINS. The chairman asked, as I understood it, whether one city could sue another city. That is not true under Federal law.

Mr. SAPERSTEIN. I am sorry. I completely misunderstood you. I thought you said the Federal Government.

Senator KERR. What I want to know is whether or not the Federal Government could proceed against Omaha for polluting Kansas City.

Mr. PERKINS. Then I misunderstood. The Federal Government can proceed against one city under an abatement proceeding under existing law.

Senator KERR. That is provided the State of Nebraska would give its consent?

Mr. PERKINS. Precisely.

Senator KERR. I do not know just how that would be obtained. Maybe the distinguished Senator from that State would tell me what action the State of Nebraska could take to authorize the Federal Government to proceed against one of its cities.

Senator HRUSKA. I am not familiar with any specific statute on the subject. But if none exists it would take a legislative action, it seems to me.

Mr. SAPERSTEIN. That might well be, Senator.

Senator KERR. That is the way it would seem to me.

Senator HRUSKA. By the State legislature.

Senator KERR. Who would enforce that judgment?

Mr. PERKINS. The court.

Mr. SAPERSTEIN. The court would enforce it just as in the case of any other judgment in a Federal court.

Senator KERR. No. If a court rendered a judgment and wanted to send a fellow to the penitentiary and he did not want to go, the court could send the sheriff to take control of the body and deliver him to the penitentiary.

Mr. SAPERSTEIN. Yes, sir.

Senator KERR. Would the marshal in a Federal court execute this judgment against the city of Omaha?

Mr. SAPERSTEIN. I assume—

Senator KERR. I do not blame you for laughing, because if I took it lightly I would laugh, too. I was trying to get something from you to remove it from the realm of that posture.

Mr. SAPERSTEIN. Senator, I think probably the court would have to consider, in rendering its judgment, the possibilities of enforcing any such judgment.

Senator KERR. Do you not think it might not be inappropriate for the act to have provisions as to how the judgment of a court in such cases could be enforced, so that the judge would not be left to his own devices in that matter?

Mr. SAPERSTEIN. I think it would be helpful, sir, particularly where a city is involved. If a nonpublic offender is involved I do not think there would be any great problem as to enforcement.

Senator KERR. Do nonpublic defenders pollute streams with sewage generally?

Mr. PERKINS. Yes, sir.

Senator KERR. Does any considerable part of the sewage pollution come from them?

Mr. SAPERSTEIN. It is my understanding there is such pollution coming from nonpublic offenders. For instance, the mine drainage.

Mr. HOLLIS. It is the industrial pollution, Senator, which is the total industrial pollution load on streams.

Senator KERR. I am talking about sewage from cities, communities.

Mr. HOLLIS. No, sir. That would be all public.

Senator KERR. And any unabated pollution from those sources would have to be the subject of action in the court against the community, would it not?

Mr. HOLLIS. That is correct, sir.

Senator KERR. Does this act as proposed authorize—it does authorize the Federal Government to proceed against a private offender?

Mr. PERKINS. Yes, sir; the same as under existing law. No change.

Senator KERR. Except under existing law the State in which the private offender is domiciled has to give its consent?

Mr. PERKINS. That is correct. That is the difference.

Senator KERR. This would permit it without that?

Mr. PERKINS. That is correct.

Senator KERR. What would be the effect of this law against the United States Steel Co.—let's say, against Monsanto Chemical Co., at St. Louis—from whose plant obnoxious sewage and materials were permitted to get into the Mississippi River, and somebody with a farm at Cairo, Ill., would have some overflow and his land would be ruined by chemical substances in that overflow which he identified as either being Monsanto Chemical Co. products or similar in character to it. Would he then, under the provisions of this act, have a basis for suit for damages against the chemical company in St. Louis?

Mr. PERKINS. There would be no change—

Senator KERR. I did not ask that.

Mr. SAPERSTEIN. Senator, just as under existing law, this act does not give the private party a basis for a cause of action against another private party. This law merely authorizes the Federal Government to step in when the interests—health or welfare—of the citizens of one State are adversely affected by the pollution originating in another State.

It does not give those private parties which are adversely affected the right to come into court and sue. They would have to do that under the common law or statutes now in existence.

Senator KERR. They have that under the law now?

Mr. SAPERSTEIN. Yes, sir.

Senator KERR. But the burden of proof is on them to establish certain factors which have to be established by the preponderance of the evidence before there can be the basis of an action?

Mr. SAPERSTEIN. Yes, sir.

Senator KERR. What I am trying to find out is this: If the Federal Government is authorized to do this and does do it, would not the findings in these actions be the basis for innumerable damage cases and would not the judgment in these actions constitute an official finding of negligence on the part of these offenders that would relieve the claimant in a damage case from the responsibility of establishing his allegations by the preponderance of the evidence?

Mr. SAPERSTEIN. Senator, I would assume, as in any other case, that that judgment of the court, if we did secure one, would be presented in evidence and that it would be granted considerable weight by the court in which this damage action were being tried.

I would assume it would be of such weight that the private party might not have to present much evidence in addition to that.

Senator HRUSKA. Is it your understanding of a law that a judgment in a criminal case can be put in evidence in a civil case for damages?

Mr. SAPERSTEIN. This is not a criminal case.

Senator HRUSKA. It is a punitive case. It carries penalties. There is either a fine involved or an injunction or something of that kind. You are enforcing a penalty.

Senator KERR. I thought it was an abatement case.

Senator HRUSKA. That would surely be a penalty. It would proscribe the doing of certain things by the offending party.

Mr. PERKINS. Does Justice regard that as a civil abatement action?

Mr. SAPERSTEIN. Yes, sir. It would be criminal if there were a violation of the court's order and then there were some action taken to impose a penalty for that violation. That could well be a criminal action. I don't think this would be, Senator.

I think Senator Kerr has raised a very significant point here.

Mr. PERKINS. You mean both under existing law and under the bill?

Mr. SAPERSTEIN. That is right. The bill is not changing it in that respect.

Senator KERR. You say under existing law, I presume due in part to the cumbersome features of getting the State's permission to bring an action against one of its municipalities or one of its citizens, there has never been any such action brought.

Mr. SAPERSTEIN. That is correct, sir.

Senator KERR. So the problem, while potential, has not materialized?

Mr. SAPERSTEIN. Yes, sir.

Senator KERR. Therefore, I say that I thoroughly agree with this sentence in the statement:

A significant change is the proposed deletion of the requirement that the State in which the pollution originates consent to the final court action.

I think that would be a significant change.

Go ahead.

Mr. PERKINS. Under the proposed procedure most cases of interstate pollution will be worked out cooperatively with the States concerned short of court action. However, as a matter of principle, it is unfair to the people in States adversely affected to permit the State contributing the pollution to retain a veto power.

Senator HRUSKA. Of course, under existing law, Mr. Perkins, is it not true that the State which is being offended can bring action against the State which is offending?

Mr. PERKINS. There is nothing in the Federal law which gives it that authority.

Senator HRUSKA. Apart from the Federal law. There can always be an action brought by one State against another State with the Supreme Court having original jurisdiction.

Mr. SAPERSTEIN. That is right. The State itself will bring suit. That has occurred as you undoubtedly know, Senator. There have

been a number of suits in which it has occurred. In fact, the existing law has a reference to a stipulation that was entered into in the Supreme Court as a result of one of those cases.

Senator HRUSKA. So this is not the exclusive way in which injunctive situations can be dealt with.

Mr. SAPERSTEIN. That is right.

Senator KERR. I would like to have you give me a reference to a few of those cases where one State has sued another in such an action.

Senator HRUSKA. Can that be supplied for the record? That would be of common interest.

Senator KERR. Yes.

(The requested reference is as follows:)

SUPREME COURT CASES (ORIGINAL JURISDICTION) INVOLVING WATER POLLUTION

The following is a list of the significant (if not all of the) cases involving the exercise of original jurisdiction by the United States Supreme Court in the field of water pollution:

1. *Missouri v. Illinois*, 180 U. S. 208 (1901):

The Chicago River is situated in the basin of Lake Michigan and has two branches flowing through the city of Chicago and into Lake Michigan. The natural drainage of Chicago is into Lake Michigan and the sewage from Chicago used to be led into the Chicago River and thence into Lake Michigan. The sanitary district of Chicago, an agency of the State of Illinois, sought to prevent pollution of the waters of Lake Michigan caused by the discharge of the city of Chicago by constructing a channel from the Chicago River to connect with and empty into the Desplains River, which empties into the Illinois River, and which in turn empties into the Mississippi River at a point about 43 miles above the city of St. Louis, Mo. Missouri brought an original action in the Supreme Court of the United States against the State of Illinois and the sanitary district of Chicago seeking an injunction to prevent the ultimate discharge of Chicago's sewage into the Mississippi River where it allegedly would affect Missouri inhabitants. The State of Illinois filed a demurrer to the bill of complaint saying that the matters set forth in the bill did not constitute a justiciable controversy between the States and, consequently, the Supreme Court should not assume jurisdiction. The Supreme Court denied the demurrer and assumed jurisdiction.

2. *Missouri v. Illinois*, 200 U. S. 496 (1906):

After accepting jurisdiction of the case as indicated above, the Court did not grant the relief asked for by Missouri. The Court, in an opinion by Mr. Justice Holmes, pointed out that it was loath to take the place of a legislature in establishing a rule of law in cases of this kind.

In pointing out the unusual preponderance of evidence that must be presented by a successful complainant State against another State, the Court stated on page 521:

"But it does not follow that every matter which would warrant a resort to equity by one citizen against another in the same jurisdiction equally would warrant an interference by this Court with the action of a State * * *

"Before this Court ought to intervene, the case should be of serious magnitude, clearly and fully proved, and the principle to be applied should be one which the Court is prepared deliberately to maintain against all considerations on the other side."

The Court did not feel that this test had been met at this time by Missouri and hence denied the relief requested.

3. *New York v. New Jersey*, 256 U. S. 296 (1921):

The Passaic River rises in the northeasterly part of New Jersey and empties into Newark Bay. High land separates its watershed from direct drainage into the Hudson River or New York Bay. On the lower 25 miles of the Passaic River are located cities such as Paterson, Passaic, and Newark, which from their earliest settlement had all drained their sewage into that river. The ebbing and flowing of the tide delayed the escaping of this sewage from the river and resulted in the water becoming greatly polluted. New Jersey, after careful study, adopted a plan which provided an intercepting sewer to gather the sewage and carry it through a tunnel under Newark Bay to a point in upper New York Bay where it would be discharged.

The State of New York brought suit against the State of New Jersey seeking an injunction to prevent the discharging of such a large volume of sewage into New York Bay. It was alleged that the resulting pollution of the water of the bay would amount to a public nuisance causing grave injury to the health, property, and commercial welfare of the people of the State and city of New York. The United States sought leave and was granted permission to intervene in this suit upon the grounds that the inadequate treatment of the sewage would result in injury to navigation and commerce by causing deposits of solid matter to fill up and shallow the channels of the bay, by rendering the port of New York less serviceable and attractive to commerce and offensive and unwholesome to persons using and living near it, by causing injury to the hulls of vessels because of the character of the effluent to be discharged, and by causing irreparable damage to extensive properties owned by the Government adjacent to the bay. The intervention of the Government resulted in conferences between its officials and the New Jersey sewage commissioners which produced a stipulation agreed upon between them providing in great detail for a method of treatment of the sewage which was much more thorough, comprehensive, and definite in character than had been adopted before, and the manner of dispersion at the outfall was so changed as to secure a much greater diffusion at a great depth in the adjacent waters. The stipulation also included an agreement on the part of the sewage commissioners of New Jersey that in the actual operation of the sewers at all times certain results would be secured either through compliance with the other requirements of the stipulation for the treatment of sewage or through additional arrangements.

The complainant, New York, was not satisfied that this stipulation between the United States and the defendants would adequately protect its interests and so a mass of evidence on both sides was taken. Upon analyzing this contradictory evidence, the Court stated:

"* * * we come to consider the evidence introduced, but subject to the rule that the burden upon the State of New York of sustaining the allegations of its bill is much greater than that imposed upon a complainant in an ordinary suit between private parties. Before this Court can be moved to exercise its extraordinary power under the Constitution to control the conduct of one State at the suit of another, the threatened invasion of rights must be of serious magnitude and it must be established by greater and convincing evidence * * *.

"Considering all this evidence, and much more which we cannot detail, we must conclude that the claimants have failed to show by the confirming evidence which the law requires that the sewage which the defendants intend to discharge into upper New York Bay, even if treated only in the manner specifically described in the stipulation with the United States Government, would so corrupt the water of the bay as to create a public nuisance by causing offensive odors or unsightly deposits on the surface or that it would seriously add to the pollution of it."

The Court went on to say:

"We cannot withhold the suggestion, inspired by the consideration of this case, that the grave problem of sewage disposal presented by the large and growing population living on the shores of New York Bay is one more likely to be wisely solved by cooperative study and by conference and mutual concession on the part of the representatives of the States so vitally interested in it than by proceedings in any court however constituted."

4. *Wisconsin v. Illinois, Michigan v. Illinois, and New York v. Illinois*, 278 U. S. 367 (1929), 281 U. S. 696 (1929):

The States of Wisconsin, Michigan, and New York brought an action to enjoin the State of Illinois and the sanitary district of Chicago from diverting water from Lake Michigan to provide dilution water for disposal of the city's sewage. The Court issued a decree to compel the reduction of the diversion and required the sanitary district to provide suitable sewage treatment plants as a means of avoiding diversion in the future. The sanitary district of Chicago was required by the Court to provide sufficient money for and to construct and put in operation with all reasonable expedition adequate plants for the disposal of sewage through other means than discharge into the lake. In recognition of the necessity for providing for gradual enforcement of its decree, the Court referred the case to a master to determine the practical measures needed to effect the order of the Court.

5. *Illinois v. Indiana* (no citation) :

In this case, the State of Illinois brought an action in United States Supreme Court to enjoin the State of Indiana and several communities and industries located therein from continuing to discharge wastes into Lake Michigan which polluted the waters near the Calumet water intake of the Chicago water supply system. The complaint of Illinois was dismissed (Nov. 6, 1950) when the defendants stipulated that they would take specified remedial measures to abate the pollution.

MR. PERKINS. Federal construction aid deleted: The proposed bill deletes the provision for financial aid to municipalities for the construction of sewage treatment works. In the present act the construction aid provisions were restricted in amounts and thus far have never been implemented by appropriations. State pollution-control authorities have informed us that the existence of authorization for financial aid, without appropriations, has actually been a deterrent to construction of treatment works by municipalities.

On this phase of the problem, we have consulted with authorities on finance as well as with representatives of municipal and State governments and national associations. We have found no conclusive evidence of real financial need on the part of either cities or industries, under present economic conditions, to build their treatment works.

At this point I should like to have Mr. Hollis show some charts to illustrate these modifications.

MR. HOLLIS.

MR. CHAIRMAN. Mr. Chairman, the proposed legislative recommendations would extend the principal features of the present act. These are acceptable by the States. They have proven workable and we believe are ample for present needs. However, the bill before the committee does propose several modifications intended to strengthen the act to simplify the administration.

The three principal modifications deal with the broadened research authority, strengthening of State programs through matching mechanisms, and technical assistance on procurement programs; and third, improvement of interstate pollution control, doing this first as a preventative means, prevention, using water quality standards, and second, enforcement, and with respect to enforcement, a simplified procedure.

If I may, I would like to take a moment on each of these three points.

With respect to broadened research authority, this would be an effort to provide the resources for the Public Health Service to utilize research potential in non-Federal institutions, such as universities, research institutes, and so forth, and do this in two ways—research grants and contract authority.

With respect to research grants, these are intended as a means of stimulating the latent research potential in the research institutions.

With respect to contract authority, this would be used to complement the research that is going on at the Federal Taft Center, in Cincinnati, and would be specific in certain aspects of the research for which there was special competence or special scientists.

In other words, the contract authority would be an extension of this, geared to a specific case of research, whereas research grants are simulatory for the broad field, whatever type of research the universities would like to undertake.

The second point dealt with the strengthening of State programs because the principle of the act itself is that this job of pollution correction will be done by the States.

So that in addition to Federal research we would propose a modification of support grants—these are program grants to the States—on a matching basis. That would be on a formula of one-third to two-thirds, depending on the financial statement and income; and technical consultation, specifically on complex problems that go beyond the resources of the individual States.

The States themselves carry out quite an array of State functions under their own authority which this supports. It is these jobs, by the States, if well done, which should result in the construction of the needed sewage and industrial waste-treatment plants and hence abate the pollution.

The third modification related to improved interstate pollution control. On this what we have essentially is this: If pollution affecting two or more areas is all located in one State, in a single State, then the jurisdiction, the single State jurisdiction works to correct that. However, if you have pollution that affects two or more areas, all of which are not in the same State, then there is need for some bridging over, some means of taking care of that problem. It is much like having 2 blocks and using this Federal machinery as a cement to bind the 2 together.

The first proposal was the use of some means of preventing the development of excess pollution, interstate pollution. We are proposing to try the use of water quality standards, develop those at State boundaries, as the streams cross the States, wherever they are needed, and to do this, first through joint State action.

In other words, have States A and B at this point develop a standard which would be acceptable to the two States. If that is done, then the Federal assistance part of it is more the adoption of the standard and the publication of it.

This Federal assistance—and any Federal action—would be based on regulations that would be developed cooperatively with the States.

These standards are not going to be uniform. In other words, a series of 3 States, with a stream crossing the 3 States, at the boundary between States A and B there would be a standard developed that would be suitable for this particular stream area below the boundary.

At the boundary of State C there would be an entirely different standard, again depending on the water uses below that boundary.

Senator HRUSKA. At that point, if it runs into the ocean, for example, you could use different considerations than for the part coming into the State?

Mr. HOLLIS. Yes, sir, or if the stream has other tributaries coming in here, you may have three times the flow.

The second part of 3 related to the enforcement of interstate pollution. The modifications are largely to simplify the procedures. This is an attempt to show the relation between what is provided in the present act as compared to what would be provided in the bill before the committee.

Under the present act, if there are suspected cases of interstate pollution, the Surgeon General would get sufficient evidence, the technical data, engineering information, and legal evidence that would be required for the Surgeon General to make a finding of pollution,

a finding that would show that the pollution is in effect crossing the State line and is affecting the health and welfare of the people in the other State.

Once that was determined, a notice would be sent to the States concerned and to the offenders, with reasonable time for compliance. We have interpreted that reasonable time to be a year. If no action is taken, a second notice is sent out, again with reasonable time, which is a year, or maybe less.

Then, if no action is taken, there is a provision for a public hearing to be held in the area where the pollution originates, and the hearing board itself will determine whether or not a serious pollution problem exists, and to provide a compliance time. Then, if no action is taken after that, the secretary may recommend Federal court action. But as was previously stated, such recommendation can only be made with the consent of the State in which the pollution originates.

On the proposed measure, if on reasonable evidence an interstate situation is thought to exist by the Surgeon General, a notification to the States concerned, pointing out the evidence that he has and to the parties concerned. On the basis of that notification, if no action was taken a hearing board is set up at this point.

The hearing board would include not less than five people. One would be a person in the State in which the pollution originates. And less than half of the board—whatever number is on the board—less than half would be employees of the Department of Health, Education, and Welfare.

In other words, a more representative board.

The hearing board weighs the evidence, and if the pollution situation warrants it, a finding is made by the hearing board and a notice is sent out to the States and to the offenders causing pollution. If no action is taken after a reasonable time, again we would, in practice, interpret that to be about a year, the court action might be recommended by the secretary.

For quick comparison, the principal differences are these: First, the lengthy, involved, complicated problem of getting evidence under the present act is quite time-consuming, at least a year, and to proceed through the notice would require a minimum of about $2\frac{1}{2}$ years before reaching the point of a hearing.

Finally, court action can be taken if the State in which the pollution originated consented. Under S. 890, the evidence time would be quite short, because it is reasonable evidence, because this is not a finding. The Surgeon General, if he has reasonable evidence that pollution exists, this is a notification, this is not a formal finding that a pollution situation exists, this is a notification pointing out the evidence that is available, and the hearing board is appointed. It is a hearing board and not the Surgeon General that makes the finding. You would then proceed through the actions shown on the chart.

So that here you would have a minimum of $2\frac{1}{2}$ to 4 years under the present act, before court action, if the State consented, and here under S. 890 action you would have in the neighborhood of 2 years.

Of course, the other change, the significant change, is that in the proposed procedure the court action can be recommended without the consent of the State wherein the pollution originates.

I would like to emphasize, if I may, that these are the procedures that will be followed to effect correction by the court action. But

the bulk of our work takes place up in here, working with the States to effect correction of interstate problems without resorting to court action. It is likely in all cases that there will be many instances where you will have to go to formal court action.

Senator KERR. What court action is authorized under existing law that wasn't authorized before, and what court action is authorized under the proposed bill that does not exist under existing law?

Mr. SAPERSTEIN. The same basis exists. I am not sure I understand your question. Unless you mean in what instances there might be court action?

Senator KERR. A reference has been made here to court action. Each one of those processes or roads finally leads to court action.

Mr. SAPERSTEIN. Yes, sir.

Senator KERR. What court action is authorized under existing law that had no basis without the existing law?

Mr. PERKINS. Before 1948.

Mr. SAPERSTEIN. Are you talking about before 1948?

Senator KERR. Before or since.

Mr. SAPERSTEIN. Before 1948 there was no court action authorized to be taken by the Federal Government to abate this nuisance, as I recall it.

Senator KERR. What court action is authorized now that the Federal Government can take and what can it result in?

Mr. SAPERSTEIN. Now, we have authority under the act, which was passed in 1948, to go to court whenever——

Senator KERR. Asking what?

Mr. SAPERSTEIN. Asking that the court take such action and render such judgment as the public interest and the equities in the case may require, in instances where pollution originating in one State is adversely affecting the health and welfare of citizens in another State.

Senator KERR. Assuming my inability to comprehend that, just tell me what, if you were preparing a petition in such court action, what relief would you ask the court to grant you?

Mr. SAPERSTEIN. I would ask the court to enjoin the continued pollution of the stream by the offender to the extent that it adversely affects the parties in another State.

Senator KERR. The court action authorized by the existing law, as I understand it, I assume is an action to obtain an injunction?

Mr. SAPERSTEIN. That is generally what would result.

Senator KERR. That is your interpretation of it?

Mr. SAPERSTEIN. Yes, sir. I did not draft this originally.

Senator KERR. You have read it since?

Mr. SAPERSTEIN. Yes, sir; I think that is it.

Senator KERR. That is where you have an advantage of me.

Mr. PERKINS. The language is "The Federal Security Administrator may," and then, leaving out some language, "request the attorney general to bring a suit on behalf of the United States to secure abatement of the pollution."

And the language a few paragraphs later as to the jurisdiction of the courts, says:

The court, giving due consideration to the practicability and to the physical and economic feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and the equities of the case may require.

Senator KERR. Is the authority of the court any different under the proposed bill than under the existing law?

Mr. SAPERSTEIN. We made a minor change in the language, the last language that Mr. Perkins read to you. I think that was done at the request of the Attorney General. We have eliminated the language in that last sentence. It now reads:

The court, giving due consideration to the practicability and to the physical and economic feasibility of securing abatement of any pollution involved, shall have jurisdiction—

and so forth.

Senator KERR. Having disclosed that information, in your judgment, does that make a significant lessening or increase?

Mr. SAPERSTEIN. I think it would have practically no effect on the cases in which we would secure an injunction.

Senator KERR. You think the court action contemplated by the present bill would, for all practical purposes, be identical with that contemplated by existing law?

Mr. SAPERSTEIN. Yes, sir.

Senator KERR. Then the proposal for improved enforcement has to do with a shortening of time, eliminating the necessity for securing the State consent, and expediting the matter of giving notice, seeking to obtain abatement without court action, but then being permitted or authorized to go into court sooner than you can under existing law?

Mr. SAPERSTEIN. I think that is very well put, Mr. Chairman. I think that is precisely it.

Senator KERR. Fine.

Mr. PERKINS. I would like to add to that one point which I think is of some significance, and that is that at this point under existing law the Surgeon General makes a unilateral finding himself that there is pollution. He gets the evidence himself, under existing law, and then makes his decision himself that you are wrong, you have done something wrong, you have polluted the water. Whereas under the proposal the defendant gets no strike against him until he has a chance to come in and present his own evidence.

In other words, under the proposal the Surgeon General would develop enough evidence so that he would be notifying the proposed defendant—

Senator KERR. The offender. Let's call him the offender up to this point.

Mr. PERKINS. Right. The possible offender, that he has certain evidence that there may be pollution. That is this notification. But he does not make any formal strike against him in the sense of writing out an order or finding that you have polluted.

Then there is a hearing which comes before any finding, and the possible offender has the opportunity at this hearing to bring in all his evidence—a hearing which he is not provided under the present law before the Surgeon General comes out with his finding.

Senator KERR. But the Surgeon General could accord him that under present law if he wanted to.

Mr. PERKINS. That is correct.

Senator KERR. Did you finish your statement?

Mr. HOLLIS. Yes, sir.

Senator KERR. We will go back to Mr. Perkins for the conclusion.

Mr. PERKINS. In addition to the modifications which have been mentioned, changes are proposed to reflect Reorganization Plans No. 16 of 1950 and No. 1 of 1953. The Water Pollution Control Advisory Board is continued, with additional membership, both Federal and non-Federal, and with changes in terms of office for the non-Federal members.

Mr. Chairman, we believe that this bill would improve the administration and the effectiveness of the national water pollution control program. The bill is designed to continue the close Federal-State-city-industry partnership approach to the conservation of our water resources through water pollution control.

We therefore recommend favorable consideration of S. 890 by your committee.

Senator KERR. Thank you, Mr. Perkins.

Are there any questions, Senator Thurmond?

Senator THURMOND. I do not believe I have any. Thank you.

Senator KERR. Senator Hruska?

Senator HRUSKA. I think that they have made a very fine presentation. I appreciate that by way of giving a very fine basis for future consideration of the bill.

I am wondering, Mr. Chairman, inasmuch as there have been several requests for additional material here, if the study and perusal of those requests will warrant, will we have an opportunity to call these men back for an explanation of some of that material?

Senator KERR. I would presume that their attendance at this hearing would remain constant until the conclusion of this hearing.

If there is no objection to that, would you tell us, gentlemen?

Mr. PERKINS. Personally, I have some testifying commitments on the House side during next week on a school construction bill. But Mr. Hollis, I believe, could be here, and Mr. Saperstein, counsel, could be on call if not here all the time.

Senator KERR. I would hope that Mr. Saperstein might be able to attend. I have a feeling which amounts almost to a foreboding that I am going to want to ask a lot of questions about the legal applications here. I would think his services in that regard would be highly desirable.

Mr. SAPERSTEIN. I will probably need considerable help.

Senator KERR. I will leave that up to you to judge and meet. Mr. Hollis, I presume your statement is concluded?

Mr. HOLLIS. Yes, sir, Mr. Chairman.

Senator KERR. Dr. Dearing?

Dr. DEARING. No statement.

Mr. PERKINS. He is Deputy Surgeon General, Mr. Chairman.

Senator KERR. Mr. Saperstein?

Mr. SAPERSTEIN. No statement.

Senator KERR. Mr. Morris B. Cunningham, superintendant and engineer of the Oklahoma City Water Department is our next witness.

**STATEMENT OF MORRISON B. CUNNINGHAM, SUPERINTENDENT
AND ENGINEER OF THE OKLAHOMA CITY WATER DEPARTMENT,
OKLAHOMA CITY, OKLA.**

Mr. CUNNINGHAM. My name is Morrison B. Cunningham, superintendent and engineer of the Oklahoma City Water Department, Oklahoma City, Okla., and immediate past president of the American Water Works Association.

I appreciate very much having an opportunity to appear before you and support the Senate Bill 890, the proposed water pollution control bill, which is primarily an extension of the present act (Public Law 845).

I should like to state at the beginning that I agree wholeheartedly with the bill as written. I have followed the work of the Public Health Service of the Department of Health, Education, and Welfare, and it has been my personal observation that this Department has accomplished a great deal in the abatement of water pollution. The groundwork has been laid for even greater progress in the future. To continue the work of water-pollution abatement is most necessary. This is especially true when we stop to realize that cities, towns and industry continue to grow and if we don't protect our water supplies from pollution, we will have an almost insurmountable problem to encounter which otherwise could be avoided by the work to be done under Senate bill 890.

Record expansion of water and sewage facilities are needed now to meet increased demands. In my opinion we can't afford to do without the benefits to be derived from the work to be accomplished under this bill on water-pollution abatement, such as:

Comprehensive programs for water pollution control.

Interstate cooperation and uniform laws.

Research, investigations, training and information.

Grants for water-pollution control.

Water-pollution control advisory board.

Water quality standards to prevent pollution of interstate waters.

Enforcement measures against pollution of interstate waters.

The demand for municipal and industrial water is increasing faster than expansion takes place. Existing sources of water supply must be protected and in many cases new sources to provide additional water can be made available by pollution abatement.

The need for expanding present water supplies is based on the following surveys and reports:

First, the Report of the President's Material Policy Commission in 1952 estimated the United States water use for municipalities in 1950 to be 14 billion gallons per day. In 1975 this is expected to increase to 25½ billion gallons per day. Private industry used 46 billion gallons per day in 1950 and expected to use 90 billion gallons per day by 1975. Water for steam power is expected to increase during this period from 35 billion gallons in 1950 to 125 billion gallons per day in 1975.

Senator KERR. Do we have that much water in this country?

Mr. CUNNINGHAM. We have, Mr. Chairman, provided we protect our water supplies and don't allow this pollution problem to get ahead of us. We will have plenty of water.

Senator KERR. Go ahead.

Mr. CUNNINGHAM. The prime factor causing such widespread increase in water consumption is the rapid increase in population.

Senator KERR. We haven't had any such increase as these figures seem to indicate in population.

Mr. CUNNINGHAM. In the next phase of the Census Bureau report, there is 11½ million increase since 1950.

Senator KERR. For instance, from 1950 to 1975 I would say that the population probably would increase 60 million, which would be about 40 percent. But your estimate is that water for steam power will increase from 35 to 125 billion, which is nearly 400 percent.

Mr. CUNNINGHAM. That is the statement in the report that I am quoting.

Senator KERR. I understand. But I must say that there must be a number of other very important factors or causes outside of increasing population.

Mr. CUNNINGHAM. I am sure there are, such as air-conditioning. This is only one of the prime increases. Air-conditioning, of course, as we know, is one.

Senator KERR. It will be a tremendous factor. Is that right?

Mr. CUNNINGHAM. Yes, and there are less people per residential unit. Ten million home units are being constructed this month—since the end of the war, in 9½ years. The last quotation that I heard on it, I think we have one additional home now for every 4 that we had in 1940.

That is one extra home serving the same population. That amounts to a great increase.

Senator KERR. Go right ahead.

Mr. CUNNINGHAM. Second, the prime factor causing such widespread increases in water consumption is the rapid increase in population. The Census Bureau reports an 11½ million increase in population since the 1950 census.

Third, the Department of Commerce report released April 7, 1955, shows public water supply facilities are inadequate. There are 16,000 waterworks supplying water to 106 million people in the United States.

States. Fourth, a recent survey covering 552 water supply systems serving nearly 80 million people in 1953 show 42 percent of these water systems considered to have inadequate facilities to meet the demand. An estimated expenditure of \$3.2 billion will be needed to provide an adequate reserve of water for this 42 percent. This department also released a survey on March 23, 1955, showing water and sewerage improvements costing \$25 billion over a 10-year period are needed to meet rapidly increasing requirements of the Nation's expanding urban and suburban areas.

An additional \$15 billion of construction is needed to take care of the accumulated backlog in requirements adequate to offset obsolescence and depreciation and to keep pace with population growth and its increased per capita use. This means an average annual expenditure of \$2½ billion compared to recent outlays of a little over \$1 billion.

Therefore I should like to urge that we continue the work of water pollution abatement as proposed by S. 890.

After reading carefully the Senate bill, I am greatly impressed by the statement of policy which is designed to protect the public health and welfare by the abatement of water pollution. I realize that the final solution will rest with the States, but the contribution which is designed to be made by the Public Health Service is one of research, State support, and coordination of the work proposed by this bill. Many of our problems cannot be solved except by research, and I am glad to note that the bill is designed to broaden the existing research authority in the field of water pollution abatement.

I have had 35 years of experience in municipal water supply and sewage treatment, and many of the recommended practices which we follow in connection with potable water results in our need to work closely with our State department of health and also the United States Public Health Service.

I have always found this agency willing to give technical assistance, advice, and courteous service and have been greatly impressed by the fine professional service they are rendering in connection with public health.

The objective of the proposed bill is to protect the public health and welfare by the control of water pollution. The bill would continue the State-Federal cooperative program, and the policy underlying the present act to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution.

We must also look forward to controlling radioactive waste from nuclear reactor installations. Every precaution will be needed to protect water supplies located below nuclear reactors.

Demands for water are continually increasing, as shown by the statements of reports I have quoted. At the same time, greater quantities of wastes are entering our streams, often making them unfit for use. Pollution control—maintaining the usefulness of surface and underground waters—is a health and conservation measure of the highest priority.

I can see where there might be some discussion concerning the enforcement procedure as written in the bill. I strongly support the bill as written because I feel these provisions would strengthen State programs and contribute materially to water pollution abatement throughout the country.

I think it is time to take a stand on this matter. I feel that the provisions in the bill would enable the Public Health Service in their handling of this matter, to give States support and the enforcement provisions in this bill would be ready to use, if necessary, in the abatement of water pollution.

With respect to water quality standards, I feel that it would be a great service to the States by having an equitable standard to work with. I feel sure that these standards would be set in cooperation with the States and interstate agencies, so that our program on water pollution abatement would be strengthened.

I have worked closely with the Public Health Service for many years and their approach to such problems has always been on a fair and equitable basis and I feel that the future in this case can be judged by the fairness of their actions in the past years.

Water pollution is serious but practical solutions can be found by applying research and careful study, planning, and enforcement.

I should like to recommend favorable consideration be given by Congress by the passage of this important bill, supported by adequate financing, in order for Public Health Service to carry on with this important work.

I believe S. 928 air pollution would also strengthen our approach on the abatement of water and air.

That completes my statement, Mr. Chairman. I would like to say that Dr. Mathews, commissioner of the State department of health, was unable to be here. He asked me to file his report. In general he approves the bill as written.

Senator KERR. His statement will be put in and made a part of the record.

Thank you very much, Mr. Cunningham. Are there any questions?

Senator HRUSKA. I have a question, Mr. Chairman. You are a man from the field, Mr. Cunningham, and you have worked for 35 years pretty much where the work is done, not in a swivel chair or ivory tower, but right down where once in a while you get a look at and smell of the sewage that you deal with here as a bill, and it was said in one of the letters filed that it was drawn and submitted to the Congress without having been submitted to the cities, and it involves the rights of States very substantially, and this chart shows one aspect of the States' rights which is being dealt with.

I would like to ask you two questions. One, was the League of American Municipalities, or whatever association you have, consulted before this bill was introduced? Second, what do you think of the type of cooperation which is repeatedly referred to here which is demonstrated by the fact that the States were not consulted before the bill was introduced.

Mr. CUNNINGHAM. I don't know whether they were consulted or not. I do know that they had copies. Our State health department had copies.

Senator HRUSKA. When did he get those copies?

Mr. CUNNINGHAM. Several weeks ago.

Senator HRUSKA. After the bill was introduced?

Mr. CUNNINGHAM. I couldn't say, sir, whether it was after the bill was introduced or before. There was a general meeting that the chairman of the American Water Works Association attended. As I recall, yesterday he told me that there was a general meeting here in Washington in which this bill was discussed by these associations, including the American Plumbing League.

They had a representative there. The details of this bill before it was introduced were discussed. At least our organization was represented at the meeting.

Senator HRUSKA. Do you remember about when that meeting was held?

Mr. CUNNINGHAM. It must have been sometime since the first of the year. Before the bill was submitted in final form.

Senator HRUSKA. Do you think that was ample time to consult, or was the meeting in the nature of an informative meeting? After all the bill was introduced on February 1.

Mr. CUNNINGHAM. It was a meeting for a thorough discussion by these organizations, to bring out anything that needed to be changed or added to the bill. In general, my information is to the effect that

there was some considerable discussion on the water quality provisions and also on the enforcement without State consent.

I am sure that you have our discussions on that. Of course it may be necessary to make some modifications on enforcement. I wouldn't be opposed to that.

Senator HRUSKA. Of course, if no meeting of like nature were held with the States, that would not lie so well with you presumably because you seem to think well about the idea of having a chance to discuss these things.

Mr. CUNNINGHAM. At least as far as our position is concerned we did have that opportunity.

Senator HRUSKA. That is all, Mr. Chairman.

Senator KERR. Thank you very much Mr. Cunningham.

(The statement of Dr. Mathews is as follows:)

STATEMENT OF DR. G. F. MATHEWS, COMMISSIONER OF HEALTH, STATE DEPARTMENT OF HEALTH, STATE OF OKLAHOMA

The intent of this statement is to indicate full approval of this bill by the Oklahoma State Department of Health.

It is believed that the bill will support and advance the objectives of the pollution control plan for Oklahoma which was developed in the Arkansas-White-Red River Basin study now approaching completion. The principal aspects of the plan which could receive support from the proposed bill are:

1. The determination of existing stream conditions by suitable surveys of physical, chemical, and biological characteristics.
2. An inventory of water uses, both existing and potential.
3. The establishment of water quality objectives for the streams of Oklahoma to indicate their suitability for various beneficial uses.
4. Determination and implementation of all stream pollution abatement needs.

This department feels that the act will strengthen the State's efforts to alleviate polluting conditions, by enabling concerted action with Federal authority both within the boundaries of the State and also in cases that are interstate in nature. The existing law furnished the means for establishing an active stream pollution control section in the State department of health. It supported needed studies of the Arkansas and Little Washita Rivers. It enabled State participation in the AWR study. It provided educational material not otherwise available. The proposed amendment to the present law could be equally beneficial.

We therefore lend our wholehearted support to this measure which we believe will further the solution to the proper development and use of the water resources of Oklahoma.

Senator KERR. The committee will recess until 10:30 Monday morning.

(Thereupon, at 1:05 p. m., the subcommittee was adjourned, to reconvene at 10:30 a. m., Monday, April 25, 1955.)

WATER AND AIR POLLUTION CONTROL

MONDAY, APRIL 25, 1955

UNITED STATES SENATE,
COMMITTEE ON PUBLIC WORKS,
SUBCOMMITTEE ON FLOOD CONTROL-RIVERS AND HARBORS,
Washington, D. C.

The subcommittee met, pursuant to notice, at 10:35 a. m., in room 412, Senate Office Building, Senator Roman L. Hruska, presiding.

Present: Senators Hruska (presiding), Neuberger, Case, Bush, Cotton, and Kuchel.

Senator HRUSKA. The meeting will come to order, and our first order of business will be the testimony of Senator Prescott Bush.

STATEMENT OF HON. PRESCOTT BUSH, A UNITED STATES SENATOR FROM THE STATE OF CONNECTICUT

Senator BUSH. Thank you, Mr. Chairman. In connection with Senate bill 890, I wish to introduce for the record a letter from Dr. Stanley H. Osborn, commissioner of the State department of health of Connecticut. He has been for many years a very distinguished public servant in our State, and his letter discloses rather firm objection to Senate bill 890.

Particularly, he says this, and I think it is quite significant, and I am inclined to agree with this paragraph:

In section 7 of Senate bill 890, there is a new provision which definitely gives the Surgeon General the right to prepare standards with respect to any interstate waters if he is not satisfied with the standards that the States have adopted. We feel that the delegation of such authority to the Surgeon General is not in the best interests of Federal-State relations. Connecticut has done and intends to continue to do its share in meeting problems of interstate water pollution control. This is evidenced by the fact that we have already entered into compacts with our neighboring States. Already the New England Commission has classified the waters of the Pawcatuck River (Connecticut-Rhode Island) and the lower reaches of the Connecticut River (Connecticut-Massachusetts), and these steps represent a good start toward further improvements in these river valleys. We are satisfied that the interstate approach will attain the desired goals without such a drastic provision as set up in this new proposed revision of the Federal act.

And this his final paragraph:

The Connecticut State Department of Health wishes to record its opposition to the portions of S. 890 which, we believe, will adversely affect progress through interstate compacts and disturb the present satisfactory relationships which prevail.

Mr. Chairman, I am very much impressed with Dr. Osborn's comments, a man very widely experienced in such matters.

I think he is one of the most experienced commissioners in the United States, a very highly respected man, and I am very glad to file his views with the committee and hope the committee will give them full consideration. I thank the Chairman.

Senator HRUSKA. They will be received and made a part of the record.

(The above-mentioned document is as follows:)

STATE DEPARTMENT OF HEALTH,
Hartford 15, Conn., March 30, 1955.

Hon. PRESCOTT BUSH,
Senate Office Building,
Washington, D. C.

DEAR SENATOR BUSH: The Connecticut State Department of Health has been active in working with the State water commission in the field of pollution abatement of Connecticut's waters, the interest of this department being especially concerned with the health aspects of water pollution. Also, this department has cooperated with the United States Public Health Service in their activities and investigations in connection with administration of the Federal Water Pollution Control Act (Public Law 845 of the 80th Cong.). The commissioner of health is a member of the Interstate Sanitation Commission (New York-New Jersey-Connecticut) and a member of the New England Interstate Water Pollution Control Commission (Connecticut-Massachusetts-New Hampshire-New York-Rhode Island, and Vermont).

There has been introduced in the United States Senate S. 890, a bill to extend and strengthen the Federal Water Pollution Control Act which has been referred to above. Several features of this bill would change the existing philosophy of Federal-State relations regarding water-pollution control. The existing Federal law very definitely recognizes the liabilities and responsibilities of the States and encourages the formation of interstate agencies to conduct pollution abatement programs.

In section 7 of S. 890, there is a new provision which definitely gives the Surgeon General the right to prepare standards with respect to any interstate waters if he is not satisfied with the standards that the States have adopted. We feel that the delegation of such authority to the Surgeon General is not in the best interests of Federal-State relations. Connecticut has done and intends to continue to do its share in meeting problems of interstate water-pollution control. This is evidenced by the fact that we have already entered into compacts with our neighboring States. Already the New England Commission has classified the waters of the Pawcatuck River (Connecticut-Rhode Island) and the lower reaches of the Connecticut River (Connecticut-Massachusetts), and these steps represent a good start toward further improvements in these river valleys. We are satisfied that the interstate approach will attain the desired goals without such a drastic provision as set up in this new proposed revision of the Federal act.

The words "interstate waters and tributaries thereof" in section 2 (a) of the existing Federal law have been eliminated in section 2 of the proposed law, in describing the pollution abatement programs to be set up.

The Connecticut State Department of Health wishes to record its opposition to the portions of S. 890 which we believe will adversely affect progress through interstate compacts and disturb the present satisfactory relationships which prevail.

Sincerely yours,

STANLEY H. OSBORN,
Commissioner.

Senator HRUSKA. Are there any other comments you wish to make?

Senator BUSH. No, thank you, Mr. Chairman.

Senator HRUSKA. Senator Kuchel?

Senator KUCHEL. No.

Senator HRUSKA. If not, at this point we will hear from Mr. Hudson Biery of the Ohio Valley Water Sanitation Commission.

Mr. BIERY. I am accompanied by Mr. Cleary.

Senator HRUSKA. You may proceed with your statement.

**STATEMENT OF HUDSON BIERY, OF THE OHIO VALLEY WATER
SANITATION COMMISSION, ACCOMPANIED BY EDWARD J.
CLEARY, EXECUTIVE DIRECTOR AND CHIEF ENGINEER, OHIO
VALLEY SANITATION COMMISSION**

Mr. BIERY. My name is Hudson Biery, Mr. Chairman, and I live in Cincinnati. I am a member of the Ohio Valley Water Sanitation Commission, representing the State of Ohio.

As you may know, this is an 8-State interstate compact, duly approved by Congress, which includes the States of New York, Ohio, West Virginia, Indiana, Illinois, and the Commonwealths of Pennsylvania, Virginia, and Kentucky.

Each State has 3 commissioners, and there are 3 Federal commissioners appointed by the President who represent the United States. The latter have no vote in connection with the issuance of compliance orders by the Commission. The Commission is financed by the eight States. The compact has authority to establish and enforce pollution-control requirements for industry and municipalities on interstate streams within or forming part of the Ohio River Basin. The compact is a very brief document and with your consent I will file a copy for the record as exhibit A.

Senator HRUSKA. Very well, that will be made a part of the record at the conclusion of your remarks.

Mr. BIERY. In appearing before your committee, I am also representing the Commission as chairman of a special legislative committee recently appointed by Chairman W. W. Jennings of West Virginia. The other two members of our committee are Commissioner Henry Ward of Kentucky and Commissioner Blucher A. Poole of Indiana. (Mr. Biery's authority to appear before the committee is as follows:)

OHIO RIVER VALLEY WATER SANITATION COMMISSION,
Cincinnati 2, Ohio, April 28, 1955.

Mr. JOHN L. MUTZ,
*Staff Director, Committee on Public Works,
412 Senate Office Building, Washington, D. C.*

DEAR MR. MUTZ: Someone has raised the question as to my authority in appearing as a representative of the Ohio River Commission. In order that there can be no possible misunderstanding in the matter, I would like to have you insert in the transcript of my testimony, immediately after the second paragraph on page, one the following:

"My authority for representing the Ohio River Valley Water Sanitation Commission is covered by the following extract from the minutes of the 29th meeting of the Commission, held in Cincinnati, Ohio, April 6, 1955.

"Mr. Ward reported that he had made suggestions to Kentucky representatives in Congress regarding changes in S. 890. He also stated that there is need for clear definition of administrative responsibilities of the various agencies concerned with pollution abatement. In his view the primary responsibility of State agencies in controlling pollution should be maintained. An individual polluter should have to deal with only one agency—the pollution control agency of the State in which he is located. Duties and functions of interstate and Federal agencies should be defined in a way such that confusion be avoided.

"Mr. Poole raised a question concerning the position of the legislative committee in appearing at the hearings in Washington on S. 890. The committee members should know if they were to speak as individuals or as representatives of the Commission. Consensus was that the committee should appear in Washington as spokesmen for the Commission. Views presented should be those expressed by majority vote of the Commission, even though these might differ from individual views of some of the States.

"The following motion, made by Mr. Ward and seconded by Mr. Poole was adopted:

"Moved that Mr. Biery, chairman of the legislative committee, be authorized to appear at the hearings in Washington and to state that the Commission has no objection to S. 890 if the following two amendments are made:'

"On page 18, section 8 (d), line 8, after the word 'may,' insert the following: 'With the consent of the water pollution agency of the State or States in which the matter causing or contributing to the pollution is discharged.'

"On page 19, section 8 (h), line 24, strike out the period after the words 'United States' and add the following: 'And shall not extend to any region or area in which the prevention and control of water pollution is the subject of an interstate compact which is implemented by a commission or other administrative authority empowered to establish and enforce water quality standards or other regulations for the prevention and control of pollution with respect to interstate waters situated within the area or area.'"

If this can be added in the same type as my testimony, I would appreciate it.

Cordially yours,

HUDSON BIERY,
*Chairman of Legislative Committee,
Commissioner for Ohio.*

Mr. Chairman, I should also mention the fact that I am still chairman of the stream sanitation committee of the Cincinnati Chamber of Commerce, appointed in July 1935, by the late William F. Wiley, former publisher of the Cincinnati Enquirer.

As chairman of that committee, I have been presenting oral testimony and factual data before committees of the Senate and the House, I believe, during every session of Congress in which pollution legislation has been under consideration. Our first bills were offered in 1936 by Senator Alben W. Barkley and Congressman John B. Hollister.

The press has referred to S. 890 as an administration bill, and in spite of the fact that it has been recommended by our very able Secretary, Mrs. Hobby, and bears the names of several Senators who have fought to maintain the sovereignty of the States, I cannot believe that any of them or the President will care for certain parts of the bill when its background and implications have been given a little further consideration.

The past record will clearly show that no one fought harder to get a Federal law on the books than I did. Public Law 845 is still a good law though it probably does need some of the revision proposed in S. 890. But we must not let our zeal for improving the law lead us into basic errors that would be hard to correct in later years. This country wants less Federal control, not more.

In these days of strain and pressure, legislation is frequently placed in the hopper that is ill advised and yet serves a useful purpose by stimulating us to reappraise situations that need to be reviewed from time to time.

So I am not accusing anyone of bad faith in offering some of the things proposed in S. 890. There are quite a few people who honestly believe that the long arm of Federal law should be able to reach down into any community or industry to stop the pollution of a stream. If I thought it could be done that way, I might be for the bill myself. Years of effort to obtain effective legislation and 6 years of experience in the administration of pollution control convince me that this is not the way—that it is the responsibility of the States, as recited in the preamble of the bill.

The legislation before your committee in S. 890, which would extend and amend Public Law 845, has followed a long and difficult course.

The present Water Pollution Act, Public Law 845, has probably had as much thoughtful and studied consideration by more capable jurists, more sportsmen, more men of scientific training and business sagacity than almost any legislation on the books. It is still not perfect and undoubtedly needs revision.

Without laboring the historical aspects of the present law, we should very briefly review them in the interest of background significance. The law was in a process of refinement and development for a long time. It is a fact that both Houses approved the successor of the Barkley-Hollister bill, known as the Barkley-Vinson bill, in 1936; but in deference to a senatorial request for reconsideration by the late Senator Loneigan, the bill did not become law.

In 1938 the Barkley-Vinson bill was again approved by both Houses only to be vetoed by President Franklin D. Roosevelt. Again, in 1940, the Senate and House approved the bill, but later amendments in the House were not acceptable to the Senate, and the bill died again.

Then came the war and finally, at long last, the Taft-Spence bill was enacted and signed by President Harry Truman on June 30, 1948, at practically the same hour that governors of eight Ohio Valley States were formally creating with their signatures the Ohio River Valley Compact.

The two dovetailed together like a fine old cabinet. I have a personal telegram from President Truman informing me, "I have this day signed Public Law 845" and so forth, with a letter of congratulation to the new Ohio River Valley Commission.

The preamble of Public Law 845 fittingly recites the brave statement that "it is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in controlling water pollution."

This clearly expressed philosophy is probably the most forthright expression of Congress in recent years to reaffirm and maintain sovereignty of the States. It is highly significant. Public Law 845 gave Congressional recognition of the pollution problem. It provided national leadership.

It provided for development of the know-how. It established the finest laboratory in the world, which could assist the States in their difficult undertaking.

While the preamble of Senate Bill 890 piously repeats this same basic philosophy it then, step by step, breaks down all elements of State sovereignty. The present law expressly provides that the Federal Government may bring an enforcement suit only with the consent of the State in which the pollution occurs. This is as it should be. But Senate bill 890 would permit the suit without the consent of the State.

Stripped of its preamble pleasantries S. 890 is Federal control. The proposed bill would lead to endless confusion and uncertainty in the administration of pollution control. Polluters, whether industrial or municipal, have a right to know with whom they are dealing. Other witnesses will discuss this in more detail.

Your committee may well ask what were the guiding factors that brought about Public Law 845. It is a good question, and I believe I can tell you what they were. For 50 years prior to 1935 the country slowly developed an awareness of the pollution problem. People said, "There ought to be a law."

Accordingly, during the 50 years more than 200 pollution bills were offered in Congress. Generally, they were prohibition bills, most of which never reached serious consideration. I filed a list of them in one of the early hearings. So the problems of 1935 were these: (1) shall we have State or Federal control; (2) what agency shall administer the bill; (3) is there a Federal interest that will justify grants in aid; (4) shall the agency develop the know-how; (5) what help can the Federal Government give the States; and (6) how far is Congress willing to go in pollution control?

It took from 1935 to 1948, 13 years, to finally resolve a fairly satisfactory compromise that would compose all of these questions with a bill that could make a start in Federal leadership. The compromise was reached after more than a hundred serious-minded organizations from coast to coast had placed their views before Congress.

It may not be legislative procedure, but I wish this committee could take the time to examine the voluminous record since 1935. You would find ample verification of the statement I have made. This would really give you both sides of the question of State or Federal control. Public Law 845 was the answer.

Most of our 8 Ohio Valley States are not in agreement with the changes in Federal law proposed in S. 890. I am filing with my testimony some specific changes, identified as exhibit B, that most of our 8 States have approved.

Several of our States will prefer to express their own views, and one or two may completely disapprove of S. 890. Our Ohio River Commission is in essential agreement with other interstate agencies on basic changes in S. 890. The Ohio Valley Commission views are likewise in harmony with those of California and Michigan.

Let me emphasize that none of the suggested changes are intended to limit the effective work of the United States Public Health Service. On the contrary most of the States want and need Public Health Service help and particularly that of the Robert A. Taft Engineering Center. Here is a fitting monument to a statesman who believed in State sovereignty.

He, among many other Senators from both of our great political parties, felt that primary responsibility was vested in the States.

The changes most needed in S. 890 are relatively simple. First, restore approval by the State before Federal intervention; second, provide more State representation on advisory and control boards; third, exempt from the provisions of the bill all areas under administration of interstate compacts; fourth, let the States continue establishing water quality standards, where they are practicable; and lastly, let the Public Health Service exercise vigorous control over pollution by Federal installation, located throughout the country.

In closing my testimony, may I offer this curbstone suggestion. If the committee finds too much difficulty in resolving the many views that will be presented here, you could substitute for S. 890 Congressman George Dondero's House Resolution 414 which would merely extend Public Law 845 for 2 years.

This would provide more time for thoughtful study of changes that should be made. Administration of that law has produced no particular hardship. If this is done, the construction grants could be deleted, and that also would do no harm.

I am not recommending the substitution of H. R. 414. I would prefer to have you salvage the good things in S. 890. We merely offer the suggestion about 414 as a shortcut that is available if it should be expedient to resort to that.

I should also like to file as exhibit C an editorial from the Cincinnati Enquirer of February 12, 1955, entitled "Undermining State Power" and as exhibit D an editorial from the Cincinnati Times Star entitled "A Blow at States Rights."

As evidence of what the States can do in pollution control, I would like to present members of the committee with copies of our annual report of our Ohio River Valley Commission for the year ending June 30, 1954. This is not offered for the record, but, of course, you are privileged to use it in any way you see fit. I would particularly direct your attention in the report to the page showing municipality pollution control, page 2; and also page 6 which refers to industrial waste control. You may also be interested in the double map, which is shown on page 12.

The record should include my exhibit E which shows a special report just made to the Governors of 8 Ohio Valley States, pointing out final adoption of important policies and procedures in industrial waste control and establishing basic minimum standards.

To emphasize the great scope of this action, I shall read 3 brief sentences, and they really are sentences, covering minimum requirements [reading]:

Industrial waste (exclusive of mine drainage until such time as practical means are available for control) shall be treated or otherwise modified prior to discharge so as to maintain the following conditions in the receiving waters:

1. Freedom from anything that will settle to form putrescent or otherwise objectionable sludge deposits which interfere with reasonable water uses.
2. Freedom from floating debris, scum, and other floating materials in amounts sufficient to be unsightly or deleterious.
3. Freedom from materials producing color or odor in such degree as to create a nuisance.

To show the committee the work of just one State, I will offer for the record my exhibit F covering a resolution of the Water Pollution Control Board of Ohio dated April 15, 1955, and a summary of Municipal Pollution Control and Industrial Wasted Control as of right now in the State of Ohio.

In closing my testimony, I would like to introduce to the committee Mr. Edward J. Cleary, our executive director and chief engineer who may offer some comment or answer any questions.

Senator HRUSKA. Unless there is objection, the exhibits A to F, inclusive, will be made a part of the record.

Senator CASE. Mr. Chairman, there is no objection. I do want to ask a few questions in regard to exhibit A.

Senator HRUSKA. The exhibits will be received and made a part of the record.

(The above-mentioned documents are as follows.)

EXHIBIT A

OHIO RIVER VALLEY WATER SANITATION COMPACT, JUNE 30, 1948

This compact, made and entered into by and between the States of Indiana, West Virginia, Ohio, New York, Illinois, Kentucky, Pennsylvania, Virginia and such additional States as may join in its execution,

Witnesseth that:

Whereas pursuant to authority of the 74th Congress of the United States, granted by Public Resolution 104, approved June 8, 1936, duly appointed Commissioners respectively representing the States of Indiana, West Virginia, Ohio, New York, Illinois, Kentucky, Pennsylvania and Tennessee have heretofore negotiated a proposed Compact in form as hereinafter set forth and as approved by the 76th Congress of the United States by Public Act No. 739, effective July 11, 1940; and

Whereas by legislation duly enacted, each of said negotiating States, with the exception of Tennessee, has caused said compact to be approved, ratified, adopted and enacted into law and has authorized its execution; and

Whereas by legislation duly enacted, the Commonwealth of Virginia, although not participating in the original negotiation thereof, has authorized and requested its Governor to execute said compact on behalf of the commonwealth and thereby to bind the commonwealth and to indicate its assent to and acceptance of the terms and conditions of the compact; and

Whereas since all conditions upon which the effectiveness of the compact or the ratification and approval thereof by any of the signatory States was contingent have been met and satisfied, it is now appropriate that the signatory States duly execute the Ohio River Valley Water Sanitation Compact, which, as specifically set out in the legislation hereinabove referred to, reads as follows:

Whereas a substantial part of the territory of each of the signatory States is situated within the drainage basin of the Ohio River; and

Whereas the rapid increase in the population of the various metropolitan areas situated within the Ohio drainage basin, and the growth in industrial activity within that area, have resulted in recent years in an increasingly serious pollution of the waters and streams within the said drainage basin, constituting a grave menace to the health, welfare and recreational facilities of the people living in such basin, and occasioning great economic loss; and

Whereas the control of future pollution and the abatement of existing pollution in the waters of said basin are of prime importance to the people thereof, and can best be accomplished through the cooperation of the States situated therein, by and through a joint or common agency; now therefore, the States of Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, Tennessee and West Virginia do hereby covenant and agree as follows:

ARTICLE I

Each of the signatory States pledges to each of the other signatory States faithful cooperation in the control of future pollution in and abatement of existing pollution from the rivers, streams and water in the Ohio River basin which flow through, into or border upon any of such signatory States, and in order to effect such object, agrees to enact any necessary legislation to enable each such State to place and maintain the waters of said basin in a satisfactory sanitary condition, available for safe and satisfactory use as public and industrial water supplies after reasonable treatment, suitable for recreational usage, capable of maintaining fish and other aquatic life, free from unsightly or malodorous nuisances due to floating solids or sludge deposits, and adaptable to such other uses as may be legitimate.

ARTICLE II

The signatory States hereby create a district to be known as the "Ohio River Valley Water Sanitation District," hereinafter called the district, which shall embrace all territory within the signatory States, the water in which flows ultimately into the Ohio River, or its tributaries.

ARTICLE III

The signatory States hereby create the "Ohio River Valley Water Sanitation Commission," hereinafter called the Commission, which shall be a body corporate, with the powers and duties set forth herein, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the signatory States or by act or acts of the Congress of the United States.

ARTICLE IV

The Commission shall consist of three commissioners from each State, each of whom shall be a citizen of the State from which he is appointed, and three commissioners representing the United States Government. The commissioners from each State shall be chosen in the manner and for the terms provided by the laws of the State from which they shall be appointed, and any commissioner may be removed or suspended from office as provided by the law of the State from which he shall be appointed. The commissioners representing the United States shall be appointed by the President of the United States, or in such other manner as may be provided by Congress. The commissioners shall serve without compensation, but shall be paid their actual expenses incurred in and incident to the performance of their duties; but nothing herein shall prevent the appointment of an officer or employee of any State or of the United States Government.

ARTICLE V

The Commission shall elect from its number a chairman and vice chairman, and shall appoint, and at its pleasure remove or discharge, such officers and legal, clerical, expert and other assistants as may be required to carry the provisions of this compact into effect, and shall fix and determine their duties, qualifications and compensation. It shall adopt a seal and suitable by-laws, and shall adopt and promulgate rules and regulations for its management and control. It may establish and maintain one or more offices within the district for the transaction of its business, and may meet at any time or place. One or more commissioners from a majority of the member States shall constitute a quorum for the transaction of business.

The Commission shall submit to the Governor of each State, at such time as he may request, a budget of its estimated expenditures for such period as may be required by the laws of such State for presentation to the legislature thereof.

The Commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time to the inspection of such representatives of the respective signatory States as may be duly constituted for that purpose.

On or before the first day of December of each year, the Commission shall submit to the respective governors of the signatory States a full and complete report of its activities for the preceding year.

The Commission shall not incur any obligations of any kind prior to the making of appropriations adequate to meet the same; nor shall the Commission pledge the credit of any of the signatory States, except by and with the authority of the legislature thereof.

ARTICLE VI

It is recognized by the signatory States that no single standard for the treatment of sewage or industrial wastes is applicable in all parts of the district due to such variable factors as size, flow, location, character, self-purification, and usage of waters within the district. The guiding principle of this compact shall be that pollution by sewage or industrial wastes originating within a signatory State shall not injuriously affect the various uses of the interstate waters as thereinbefore defined.

All sewage from municipalities or other political subdivisions, public or private institutions, or corporations, discharged or permitted to flow into these portions of the Ohio River and its tributary waters which form boundaries between, or are contiguous to, two or more signatory States, or which flow from one signatory State into another signatory State, shall be so treated, within a time reasonable for the construction of the necessary works, as to provide for substantially complete removal of settleable solids, and the removal of not less than forty-five percent of the total suspended solids; provided that, in order to protect the public health or to preserve the waters for other legitimate purposes, including those specified in Article I, in specific instances such higher degree of treatment shall be used as may be determined to be necessary by the Commission after investigation, due notice and hearing.

All industrial wastes discharged or permitted to flow into the aforesaid waters shall be modified or treated, within a time reasonable for the con-

struction of the necessary works, in order to protect the public health or to preserve the waters for other legitimate purposes, including those specified in Article I, to such degree as may be determined to be necessary by the Commission after investigation, due notice and hearing.

All sewage or industrial wastes discharged or permitted to flow into tributaries of the aforesaid waters situated wholly within one State shall be treated to that extent, if any, which may be necessary to maintain such waters in a sanitary and satisfactory condition at least equal to the condition of the waters of the interstate stream immediately above the confluence.

The Commission is hereby authorized to adopt, prescribe and promulgate rules, regulations and standards for administering and enforcing the provisions of this article.

ARTICLE VII

Nothing in this compact shall be construed to limit the powers of any signatory State, or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any signatory State, imposing additional conditions and restrictions to further lessen or prevent the pollution of waters within its jurisdiction.

ARTICLE VIII

The Commission shall conduct a survey of the territory included within the district, shall study the pollution problems of the district, and shall make a comprehensive report for the prevention or reduction of stream pollution therein. In preparing such report, the Commission shall confer with any national or regional planning body which may be established, and any department of the Federal Government authorized to deal with matters relating to the pollution problems of the district. The Commission shall draft and recommend to the governors of the various signatory States uniform legislation dealing with the pollution of rivers, streams and waters and other pollution problems within the district. The Commission shall consult with and advise the various States, communities, municipalities, corporations, persons, or other entities with regard to particular problems connected with the pollution of waters, particularly with regard to the construction of plants for the disposal of sewage, industrial and other waste. The Commission shall, more than one month prior to any regular meeting of the legislature of any State which is a party thereto, present to the governor of the State its recommendations relating to enactments to be made by any legislature in furthering the intents and purposes of this compact.

ARTICLE IX

The Commission may from time to time, after investigation and after a hearing, issue an order or orders upon any municipality, corporation, person, or other entity discharging sewage or industrial waste into the Ohio River or any other river, stream or water, any part of which constitutes any part of the boundary line between any two or more of the signatory States, or into any stream any part of which flows from any portion of one signatory State through any portion of another signatory State. Any such order or orders may prescribe the date on or before which such discharge shall be wholly or partially discontinued, modified or treated or otherwise disposed of. The Commission shall give reasonable notice of the time and place of the hearing to the municipality, corporation or other entity against which such order is proposed. No such order shall go into effect unless and until it receives the assent of at least a majority of the commissioners from each of not less than a majority of the signatory States; and no such order upon a municipality, corporation, person or entity in any State shall go into effect unless and until it receives the assent of not less than a majority of the commissioners from such State.

It shall be the duty of the municipality, corporation, person or other entity to comply with any such order issued against it or him by the Commission, and any court of general jurisdiction or any United States district court in any of the signatory States shall have the jurisdiction, by mandamus, injunction, specific performance or other form of remedy, to enforce any such order against any municipality, corporation or other entity domiciled or located within such State or whose discharge of the waste takes place within or adjoining such State, or against any employee, department, or

subdivision of such municipality, corporation, person or other entity; provided, however, such court may review the order and affirm, reverse or modify the same upon any of the grounds customarily applicable in proceedings for court review of administrative decisions. The Commission or, at its request, the Attorney General or other law enforcing official, shall have power to institute in such court any action for the enforcement of such order.

ARTICLE X

The signatory States agree to appropriate for the salaries, office, and other administrative expenses, their proper proportion of the annual budget as determined by the commission and approved by the governors of the signatory States, one-half of such amount to be prorated among the several States in proportion to their population within the district at the last preceding Federal census, the other half to be prorated in proportion to their land area within the district.

ARTICLE XI

This compact shall become effective upon ratification by the legislatures of a majority of the States located within the district and upon approval by the Congress of the United States; and shall become effective as to any additional signing thereafter at the time of such signing.

Now, therefore, in witness of their ratification, adoption, and enactment into law of the foregoing compact, and in witness of their assent to and acceptance of the terms, conditions, and obligations therein contained, the signatory States have caused this Ohio River Valley Water Sanitation Compact to be executed by their respective governors and by their respective compact commissioners and have caused their respective seals to be hereunto fixed this 30th day of June 1948.

STATE OF INDIANA,
By RALPH F. GATES,
Governor.
L. E. BURNEY,
Commissioner.
BLUCHER A POOLE,
Commissioner.
JOSEPH L. QUINN,
Commissioner.

Attest:

THOMAS E. BATH,
Secretary of State.

STATE OF WEST VIRGINIA,
By CLARENCE W. MEADOWS,
Governor.
KENNETH S. WATSON,
Commissioner.
W. W. JENNINGS,
Commissioner.
N. H. DYER, *Commissioner.*

Attest:

WILLIAM S. O'BRIEN,
Secretary of State.

STATE OF OHIO,
By THOS. J. HERBERT,
Governor.
HUDSON BIERY,
Commissioner.
KENNETH M. LLOYD,
Commissioner.
JOHN D. PORTERFIELD,
Commissioner.

Attest:

EDWARD J. HUMMEL,
Secretary of State.

STATE OF NEW YORK,
 By THOS. E. DEWEY,
Governor.
 MARTIN F. HILFINGER,
Commissioner.
 CHARLES B. MCCABE,
Commissioner.
 HERMAN E. HILLEBOE,
Commissioner.

Attest :

THOMAS J. CURRAN,
Secretary of State.

STATE OF ILLINOIS,
 By DWIGHT H. GREEN,
Governor.
 C. W. KLASSEN,
Commissioner.
 J. J. WOLTMANN,
Commissioner.
 ROLAND R. CROSS,
Commissioner.

Attest :

EDWARD J. BARRETT,
Secretary of State.

COMMONWEALTH OF KENTUCKY,
 By EARLE C. CLEMENTS, *Governor.*
 HENRY WARD, *Commissioner.*
 RICHARD B. FULKS,
Acting Commissioner.
 EARL WALLACE, *Commissioner.*

Attest :

GEORGE GLENN HATCHER,
Secretary of State.

COMMONWEALTH OF PENNSYLVANIA,
 By JAMES H. DUFF, *Governor.*
 HERBERT P. SORG, *Commissioner.*
 E. A. HOLBROOK, *Commissioner.*
 NORRIS W. VAUX, *Commissioner.*

Attest :

C. M. MORRISON,
Secretary of the Commonwealth.

COMMONWEALTH OF VIRGINIA,
 By WILLIAM M. TUCK, *Governor.*
 E. BLACKBURN MOORE,
Commissioner.
 ROSS H. WALKER, *Commissioner.*
 T. BRADY SAUNDERS,
Commissioner.

Attest :

THELMA Y. GORDON,
Secretary of the Commonwealth.

APPENDIX

APPROVAL BY THE CONGRESS OF THE UNITED STATES OF AMERICA

Authority to enter into the foregoing compact was initially granted by act of the 74th Congress of the United States by Public Resolution No. 104, approved June 8, 1936, and subsequently consent to and approved thereof was expressly granted by the Congress of the United States by the following legislation :

Public—No. 739—76th Congress
 Chapter 581—3d Session
 S. 3617, approved July 11, 1940

APPROVAL BY THE SIGNATORY STATES

The foregoing compact was expressly ratified and approved and its execution authorized by the respective legislatures of the signatory States by the following acts:

INDIANA

Enrolled Act No. 337, House.

Approved March 4, 1939.

No reservations were contained in this legislation.

WEST VIRGINIA

H. B. No. 369 of the legislature of 1939 of the State of West Virginia; passed March 11, 1939, and effective 90 days thereafter.

This act was expressly to become effective after the approval, ratification, adoption, and entering into thereof by the States of New York, Pennsylvania, Ohio, and Virginia.

OHIO

Amended Senate Bill No. 33; passed by the Regular Session of the 93d General Assembly of Ohio on May 24, 1939; approved by the governor on May 29, 1939; effective August 31, 1939.

This act was expressly conditioned to become effective and become operative and compact executed for and on behalf of the State of Ohio only from and after the approval, ratification, adoption, and entering into thereof by the States of New York, Pennsylvania, and West Virginia.

NEW YORK

Chapter 945 of the laws of 1939 of the State of New York; passed by the legislature, approved by the Governor and became effective July 11, 1939.

No reservations were contained in this legislation.

This act was expressly conditioned to become effective as to sections 1 to 6 thereof as of June 8, 1939.

ILLINOIS

H. B. 891 D of the general assembly of 1939 of the State of Illinois; approved July 22, 1939.

No reservations were contained in this legislation.

KENTUCKY

Chapter 150 (H. B. 172) of the acts of 1940 regular session of the general assembly of Kentucky; approved March 16, 1940; effective June 30, 1940.

No reservations were contained in this legislation.

PENNSYLVANIA

Act No. 50 of the general assembly of the Commonwealth of Pennsylvania; approved April 2, 1945.

This act expressly provided that the compact shall be executed for and on behalf of the Commonwealth of Pennsylvania only after the approval, ratification, and entering into thereof of the States of New York, Ohio, and West Virginia.

VIRGINIA

Chapter 117 (H. B. 15) of the acts of the 1948 regular session of the general assembly of the Commonwealth of Virginia; approved March 5, 1948; effective 90 days after adjournment of the general assembly which took place on March 13, 1948.

This act contains no reservations except that it shall become effective in due course provided the Governor signs the compact therein referred to on behalf of the Commonwealth.

EXHIBIT B

(To accompany statement by Hudson Biery on S. 890)

OHIO RIVER VALLEY WATER SANITATION COMMISSION

SUGGESTED AMENDMENTS TO S. 890

1. To restore approval by States before Federal intervention: On page 18, section 8 (d), line 8, after the word "may" insert the following: "with consent of the water pollution agency of the State or States in which the matter causing or contributing to the pollution is discharged."

2. To provide for representation of State and interstate agencies on Water Pollution Control Advisory Board: Amend section 6 (a), pages 12 and 13, in order to: provide that membership of the Water Pollution Control Advisory Board shall include a representative of a State water pollution control agency and a representative of an interstate water pollution control agency.

3. To exempt areas under administration of interstate compacts: On page 19, section 8 (h), line 24, strike out the period after the words "United States" and add the following: "and shall not extend to any region or area in which the prevention and control of water pollution is the subject of an interstate compact which is implemented by a commission or other administrative authority empowered to establish and enforce water-quality standards or other regulations for the prevention and control of pollution with respect to interstate waters situated within the region or area."

4. To restore approval by States before establishment of water-quality standards by the Federal Government: Amend section 7 as follows:

(1) Page 14, lines 23 to 25, change the words "with State water-pollution control agencies, and with municipalities and industries involved" to read as follows: "and with the consent and approval of the State water-pollution control agencies involved".

(2) Page 15, lines 13 to 19, delete section 7 (b).

COMMENTS ON PROPOSED FEDERAL BILL S. 890

Section I

No objection.

Section II

Mr. Earl Devendorf, Commissioner for New York: "This section is very similar to the old section II of Public Law 845, except that it deletes the reference to 'interstate waters and tributaries.' The purpose of this deletion is not clear. Apparently the intent is to authorize the Surgeon General to investigate and control the pollution of intrastate waters. If this is the intent it should be opposed as it violates the general policy of Congress stated in section I to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution."

Section III

No objection.

Section IV

No objection.

Section V

Mr. H. E. Moses, Commissioner for Pennsylvania—unofficial: "The proposed amendments, as in the original act, Public Law 845, provide for the distribution of Federal funds to States and interstate agencies, specifying the projects to which this money may be applied. That is not exactly germane to the question of States' rights as hereinbefore described, although it should be mentioned that considerable difficulty arose in Pennsylvania and in some of the other States which were given money under Public Law 845, when these funds were cut off."

Section VI

Dr. Ralph E. Dwork, Commissioner for Ohio: "An advisory board to the Surgeon General is set up in section VI which indicates that of the 15 members, 8 shall be Government employees, and 7 appointed by the President to represent (1) sewage and industrial waste disposal, (2) wildlife conservation, (3) municipal government, (4) State government, (5) industry, (6) recreation, and (7) agriculture."

"It is evident from the foregoing that individual States or compact agencies have little or no voice insofar as the advisory board is concerned."

Mr. Devendorf: "This section establishes and defines the membership of a Water Pollution Control Advisory Board. I believe this section should be amended to provide for membership on such advisory board of a representative of a State water pollution control agency and a representative of an interstate water pollution control agency."

Section VII

Mr. Dwork: "I would agree that execution should be taken to one principal point; namely, the elimination from the existing law of the veto power of the States, or of an interstate agency over the authority of the Federal Government to step in and dictate water quality criteria and enforcement of the abatement of water pollution."

Mr. Devendorf: "This is a new section not included in the present Public Law 845 and authorizes the Surgeon General to prepare, adopt, and publish water quality standards on interstate waters at a point or points where such waters cross State boundaries. The authority provided for in this section of the bill is unnecessary and objectionable. Although consultation with State pollution control agencies is called for, the Surgeon General would have authority to supersede the State agency."

Mr. Moses—Unofficial: "A new feature of the amendments bill is the authority granted to the Surgeon General to erect water quality standards to prevent pollution of interstate waters."

Section VIII

Mr. Devendorf: "This section as presently worded is objectionable and should be amended in certain respects."

"It outlines enforcement measures which may be taken by the United States to secure abatement of any pollution of interstate waters which endanger the health and welfare of the people of a State other than that in which the pollution matter is discharged."

"The new section differs from the existing Public Law 845 in the following respects:

"1. Permits the Surgeon General to serve notice of existence of pollution based on probable cause.

"2. Eliminates the second notice to polluters.

"3. Transfers authority for making findings of interstate pollution from the Surgeon General to the Hearing Board.

"4. Eliminates the necessity for obtaining consent of State in which the discharge originates before Federal suit may be brought against polluter."

Dr. Dwork: "This section deals with enforcement measures against pollution of interstate waters and specifies measures which may be taken by the Federal Government. The language of this section indicates that pollution deemed to endanger the health or welfare of persons in a State other than that in which the discharge originates is a public nuisance and such pollution may be abated by court action on the part of the Federal Government without the consent of the State or interstate agency involved."

Mr. Moses—unofficial: "There are some serious questions as to the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution. In the original act this policy was emphasized by the erection of procedures to protect States rights, whereas in the amendments these protective measures are omitted and the rights of the States are taken over by the Federal Government."

"Perhaps the most striking example is the deletion of the veto powers of the States, as provided in Public Law 845, and the substitution of direct action by the Federal Government in place thereof."

"In the proposed amendments of this section the foregoing safeguards of States rights are practically wiped out, and the scope of the authority of the Federal agency is extended even to tributaries of interstate streams which are being subjected to pollution."

Mr. B. A. Poole, Commissioner for Indiana, and Mr. Henry Ward, Commissioner for Kentucky: "On page 18, section 8 (d), line 8, after the word 'may' insert the following: 'with the consent of the water pollution agency of the State or States in which the matter causing or contributing to the pollution is discharged.'"

"On page 19, section 8 (h), line 24, strike out the period after the words 'United States' and add the following: 'and shall not extend to any region or

area in which the prevention and control of water pollution is the subject of an interstate compact which is implemented by a commission or other administrative authority empowered to establish and enforce water quality standards or other regulations for the prevention and control of pollution with respect to interstate waters situated within the region or area.' "

Mr. Leonard A. Weakley, legal counsel, Ohio River Valley Water Sanitation Commission, and Mr. Hudson Biery, Commissioner for Ohio: "Section 8 (c), page 17, lines 16 to 23, be amended to read as follows: 'discharges originate (except that at least one member shall be a representative of the water pollution control agency of the State or States where such discharge or discharges originate and at least one member shall be a representative of the Department of Commerce, and not less than a majority of the board shall be persons other than officers or employees of the Department of Health, Education, and Welfare).'

"Section 8 (d), page 18, lines 6 to 11, as amended to read as follows: '(d) after affording the person or persons discharging the matter causing or contributing to the pollution, reasonable opportunity to comply with the recommendations of the board, the Secretary of Health, Education, and Welfare may, with the consent of the water pollution agency (or any officer of agency authorized to give such consent) of the State or States in which the matter causing or contributing to the pollution is discharged, request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution.'

"The following language be added to section 8 (h), page 19, following line 25: 'and shall not extend to any region or area in which the prevention and control of water pollution is the subject of an interstate compact which is implemented by a commission or other administrative authority empowered to establish and enforce water quality standards or other regulations for the prevention and control of pollution with respect to interstate waters situated within the region or area.'

Section IX

No objection.

Section X

Mr. DEVENDORF: "This section expands somewhat the definition of an interstate agency (by including the phrase 'having substantial authority to control pollution'). It could be construed to authorize the Surgeon General to consider only those compact interstate water pollution control agencies that have what he may consider to have satisfactory authority of enforcement provisions in their act."

Section XI

No objection.

Section XII

No objection.

EXHIBIT C

[The Enquirer, Saturday, February 12, 1955]

UNDERMINING STATE POWER

Along with his recent message to Congress on public health, the President proposed new legislation on stream and air pollution. Some features of this draft bill have much merit. But there is a serious danger lurking in other features, for they tend to undermine the authority of the States, and especially that of interstate agencies such as the Ohio River Valley Sanitation Commission.

As proposed, the bill would do several things. First, it would renew on a permanent basis the basic antipollution statute, which expires June 30, 1956. That, of course, is desirable. Antipollution work is no longer in the experimental stage.

Further, it would lift the present limit of \$1 million on Federal contributions to State and interstate agencies for pollution research. It also would provide for a quite large increase in funds available for research on air pollution problems. Both of these features are desirable; and they have a special attraction for Cincinnati, since nearly all such funds are either spent here at the Taft Sanitary Engineering Center or else are spent from there for field studies elsewhere.

The same endorsement cannot be given to certain other features of the bill, however. For example, there is a provision allowing the United States Public Health Service to go directly into the Federal courts to stop pollution of an interstate waterway, instead of requiring it first to obtain the consent of the State involved.

This runs squarely counter to the whole concept underlying the Ohio Valley interstate compact, which is built on the principle, a sound one, that the States can and should deal with pollution problems themselves. A tremendous amount of work was done by many people to erect this interstate commission, with the consent of Congress. It would be stupid to undermine its authority now.

If, 10 years from now, there is a need for greater Federal participation in the enforcement of river purification, some such change in the law might be considered. But up to this time there has been no showing that the States are unable to do the job. Nor has there been time for a fair test on this score.

Another questionable feature of the proposed bill is one to set up clear standards of pollution, so that a chemical corporation, for example, can know in advance just what is required of it—instead of having to violate the law and become an offender, in order to learn how it must treat its wastes. The object here is sound. But if the standards are to be set by Federal authority, this would be another case of undermining State power.

It is our belief that this measure should be revised drastically to conform to the guiding principles of our antipollution efforts of the decades past. Failing in this, the Senators and Representatives of the Ohio Valley area ought to vote against the bill. Mr. Eisenhower has made a great point of his conviction that greater responsibility should be placed on the States, that the centralization trend should be reversed. Here is a case in which he should practice more faithfully what he preaches so well.

EXHIBIT D

[Cincinnati Times Star, February 14, 1955]

A BLOW AT STATES RIGHTS

For the past 7 years the States and the Federal Government have been getting along well under a national water pollution control act that left the primary responsibility up to the States. The Federal Government could bring suit against an offender, but only with the permission of the State concerned.

That was the whole principle for which the antipollution forces fought. They were anxious to have the Federal Government as a partner, giving aid in the form of loans and grants, and carrying out research, but they demanded that the hand of Federal authority be kept at a distance. The principle of States rights was fought for and won.

Now, however, comes a threat to that arrangement which, if adopted, would possibly destroy the whole foundation of State sovereignty. It is in the form of an amendment to the present act which would remove the provision requiring State permission before a Federal suit is filed.

The bill now before Congress, and supported by the administration, repeats the pious pledge that it is "the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution." But the change, removing State restraint on Federal action, makes it meaningless.

Vast strides have been made in recent years toward abating stream pollution. They have been made with State authority supreme under a law that has proved its worth. That arrangement must not be destroyed.

EXHIBIT E

APRIL 19, 1955.

HON. FRANK J. LAUSCHE,
Governor of Ohio, Columbus, Ohio.

DEAR SIR: An important statement of policy to expedite the control of industrial-waste discharges was unanimously adopted by the Ohio River Valley Water Sanitation Commission at its quarterly meeting in Cincinnati on April 6. Because of its significance, and since our annual report is not compiled until after

the ending of the fiscal year on June 30, I thought you would wish to be informed about it.

The formulation of this policy and the procedures to execute it represents one of the most complex and satisfying accomplishments of our interstate agency. Its adoption follows 2 years of study and exchange of experiences among the eight States and with most cooperative committees representing industrial interests in the Ohio Valley. Having achieved unanimity of approach we are in a position now to expedite industrial-waste control in the same orderly and effective fashion that municipal sewage-treatment requirements were established by the commission on the Ohio River.

In brief, the policy provides that our eight States will call for every industrial plant to institute certain basic controls as promptly as possible. Studies already underway will lead to determination of additional measures of control to be taken by an industrial plant for complete safeguards to water quality in the area in which it operates. We believe that this type of engineering and economic appraisal for each situation, rather than the application of broadside prohibitions, will provide for maximum beneficial use of water resources in the public interest.

Having invited and received frank discussion in development of this program from more than 150 members of our industry-action committees, we feel confident that our policy for industrial-waste control will be supported as being rational, practicable, and reasonable. A copy of the statement is attached, along with a news release.

Very truly yours,

W. W. JENNINGS, *Chairman.*

Copy to Ohio Commissioners:

Mr. Hudson Biery.

Dr. Ralph E. Dwork.

Mr. Kenneth M. Lloyd.

STATEMENT OF POLICY AND PROCEDURE ON INDUSTRIAL WASTE CONTROL AS ADOPTED
AT A MEETING OF THE COMMISSION ON APRIL 6, 1955

Whereas activities and experiences of the Ohio River Valley Water Sanitation Commission have now reached the point where it is desirable and necessary from administrative and other standpoints to issue a formal statement of policy and procedure in order to: Promote the execution of provisions in the compact for the control of industrial wastes; provide for the compact States a plan of action for expediting the Commission's control program on interstate waters; furnish to existing industrial establishments in the Ohio Valley located on waters under jurisdiction of the Commission and to those who are about to locate on these waters information with regard to control of waste discharges; and establish a basis for effective and orderly conduct of staff activities: Now, therefore, the Ohio River Valley Water Sanitation Commission does hereby declare the following principles and procedures by which it will be guided in pursuing the obligations placed upon it by the provisions of the compact and in the exercise of powers vested in it:

I. Requirements for the modification or restriction of industrial-waste discharges in waters as defined in article VI of the compact (the Ohio River and its tributary waters which form boundaries between, or are contiguous to, two or more signatory States, or which flow from one signatory State into another signatory State) shall be designed to safeguard and maintain water uses that will serve the public interest in the most beneficial and reasonable manner. However, certain minimum or basic requirements, applying to every industrial-waste discharge, will be stipulated in accordance with the directive in article I of the compact that all waters are to be "free from unsightly or malodorous nuisances due to floating solids or sludge deposits."

II. In reaching conclusions on water uses to be safeguarded in various sections along streams, the commission will be guided by an evaluation of present uses, such future uses as can be reasonably foreseen and all other pertinent information. Decisions with regard to water uses shall be subject to such review as the Commission deems necessary in accordance with changing conditions or by request from parties who may be affected. Among the legitimate uses of water to be considered by the Commission—but not necessarily restricted to them—are the following: Public and industrial supplies, maintenance of aquatic life, agricultural purposes, recreational and esthetic pursuits, navigation, power development, and ultimate disposal of waste effluents.

III. To aid in the appraisal of water suitability for various uses and for guidance in the establishment of waste-control requirements, the Commission will employ quality criteria. These criteria, to be applied at point of use, are not to be considered as effluent standards. The criteria will define within the boundaries of expert knowledge the respective physical, chemical, biological, and bacteriological conditions of water in the stream consistent with protection of specific uses.

IV. In developing control measures for industrial-waste discharges, the commission will be guided by an examination of all local factors, including:

(a) Variations in the size, flow, location, character, self-purification characteristics, and the established and proposed uses of the receiving stream;

(b) Variability of industrial operations and consequent changes in location, volume, type, and combinations of waste discharges;

(c) Economic considerations.

V. Industrial-waste control measures will be promulgated on a step-by-step basis, as follows:

First step: Establishment of basic requirements that are applicable to all industrial wastes discharged into interstate waters of the district. These basic requirements, designated as IW-1, are set forth in the appendix attached.

Second step: Determination of supplementary tailored control requirements, through and in cooperation with appropriate State agencies, for each industrial plant based on such investigations and voluntary agreements or hearings as deemed necessary to establish the need and validity of control measures beyond those that satisfy basic requirements.

VI. It is recognized that time and circumstances will determine how quickly supplementary tailored requirements should and can be stipulated for each industrial plant. Meanwhile, every industrial plant that is now discharging or may seek to discharge wastes into interstate waters of the district as defined in the compact, will be expected to comply as promptly as possible with the first-step basic requirements, designated as IW-1 and set forth in the attached appendix.

VII. If supplementary tailored waste-control requirements are to be stipulated for an industrial plant, they will be based on stream surveys and continuing investigations of water use and quality conditions, the volume and characteristics of waste discharges and other factors applicable to a specific situation or area. Recommendations will be developed after consultation and in cooperation with appropriate State agencies and the industrial plants involved. Revision of supplementary tailored control measures may be required from time to time depending on: (a) changes in the quantity or character of industrial-waste discharges; (b) changes in conditions of stream use.

VIII. It shall be the responsibility of each State agency to supply such information and data as may be necessary to develop supplementary waste control requirements. The States will also keep the Commission informed of new or contemplated industrial waste discharges into those waters coming under the jurisdiction of the commission, so that the effect of these on existing conditions can be appraised and decisions reached with regard to revised control requirements.

IX. Priority of attention by the commission in development of supplementary tailored requirements shall be given to those industrial plants now discharging directly into the Ohio River; the plan shall be to proceed in an orderly manner from the head of the river to its mouth. However, on request of any State consideration will be given to shifting investigations to any location which may best serve commission interests.

X. The appropriate State regulatory agency will administer regulatory controls. Questions concerning compliance with requirements are to be addressed to the signatory State agency in the State in which the industrial plant is operating. The State agency will arrange for such further contact or consultation with the Commission as may be necessary or requested. Whenever, in the opinion of the Commission, satisfactory compliance with basic and supplemental requirements is not being or cannot be obtained through efforts of such State agencies, the commission will take such action as may be necessary to transpose such requirement or requirements into treatment standards or regulations within the contemplation of article VI of the compact and to procure enforcement of them through use of the procedures prescribed in article IX of the compact.

IW-1—BASIC INDUSTRIAL WASTE REQUIREMENTS

Industrial wastes (exclusive of mine drainage until such time as practical means are available for control) shall be treated or otherwise modified prior to discharge so as to maintain the following conditions in the receiving waters:

1. Freedom from anything that will settle to form, putrescent or otherwise objectionable sludge deposits which interfere with reasonable water uses.
2. Freedom from floating debris, scum, and other floating materials in amounts sufficient to be unsightly or deleterious.
3. Freedom from materials producing color or odor in such degree as to create a nuisance.

These conditions to be maintained in the receiving waters following the discharge of industrial-waste effluents, are basic or minimum requirements. Investigations will be conducted by the Commission as time and circumstances permit to establish the need and validity of altering or adding to the above basic requirements.

Questions concerning compliance with requirements are to be addressed to the signatory State agency in the State in which the industrial plant is operating. Arrangements will be made by the State agency for such contact and consultation with the Commission as may be necessary or requested.

EXHIBIT F

STATE OF OHIO DEPARTMENT OF HEALTH,
WATER POLLUTION CONTROL BOARD,
April 15, 1955.

Mr. EDWARD J. CLEARY,
Executive Director and Chief Engineer,
Ohio River Valley Water Sanitation Commission,
414 Walnut Street, Cincinnati, Ohio.

DEAR MR. CLEARY: During the regular monthly meeting of the Ohio Water Pollution Control Board held on April 12, 1955, report was made concerning Federal Senate bill No. 890 together with proposed amendments. Following the report and discussion the board adopted a resolution favoring the adoption of Federal Senate bill No. 890 with the two amendments proposed by the Ohio River Valley Water Sanitation Commission.

It is the board's wish that you include this action in your brochure when it is presented to the committee hearing this matter.

Very truly yours,

RALPH E. DWORK, M. D.,
Chairman, Water Pollution Control Board.

EXHIBIT F

STATE OF OHIO DEPARTMENT OF HEALTH,
April 19, 1955.

Mr. HUDSON BIERY,
Care of Ohio River Valley Water Sanitation Commission,
414 Walnut Street, Cincinnati, Ohio.

DEAR MR. BIERY: Following my telephone call of yesterday I have had prepared copies of the material representing accomplishments in Ohio in sewage treatment construction during the past 6 years, and also accomplishments in water pollution control as result of activity of industry in abating pollution. I think this information might be of advantage to you in the hearings at Washington to show that Ohio, as 1 member of the 8 State compact, has been spurred along in the pollution abatement program, first, as result of joining the compact and, second, as result of adopting legislation pursuant to the compact.

I am sending you the information in duplicate so you can keep a copy for yourself or turn in two copies, whatever may be the case.

Yours truly,

F. H. WARING,
Chief Sanitary Engineer.

TABLE 1.—*Ohio cities having constructed new sewage treatment works during last 6 years*

[Ohio Department of Health, Mar. 21, 1955]

City	Population (1950 census)	Date works in service	Type of works
Ashtabula.....	23,696	¹ 1954	Partial, chemical treatment.
Athens.....	11,660	1954	Complete, activated sludge.
Cambridge.....	14,739	1954	Do.
Canton.....	116,912	1953	Do.
Cincinnati (Little Miami).....	84,139	1953	Partial, chemical treatment.
Coshocton.....	11,675	¹ 1954	Complete, trickling filters.
Fostoria.....	14,351	1952	Complete, trickling filters and activated sludge.
Franklin.....	5,388	1951	Complete, trickling filters.
Fremont.....	16,537	1949	Do.
Ironton.....	16,333	1954	Partial, chemical treatment.
Jackson.....	6,504	1954	Complete, trickling filters and activated sludge.
Kent.....	12,418	1954	Primary, separate sludge digestion.
Logan.....	5,972	1954	Complete, trickling filters.
Lorain.....	51,202	¹ 1954	Partial, chemical treatment.
Maple Heights (southwest section only).	2,500	¹ 1954	Complete, activated sludge.
Marietta.....	16,006	¹ 1954	Partial, chemical treatment.
Miamisburg.....	6,329	1954	Do.
Mount Vernon.....	12,185	1953	Do.
Nelsonville.....	5,328	¹ 1954	Complete, trickling filters.
Newark.....	34,275	1949	Partial, chemical treatment.
New Philadelphia.....	12,948	¹ 1954	Primary, separate sludge digestion.
Oberlin.....	7,062	¹ 1954	Complete, activated sludge.
Orrville.....	5,153	1951	Complete, trickling filters and activated sludge.
Port Clinton.....	5,541	¹ 1954	Partial, chemical treatment.
Shelby.....	7,971	1954	Complete, activated sludge.
Steubenville.....	35,872	¹ 1954	Partial, chemical treatment.
St. Marys.....	6,208	1949	Complete, trickling filters and activated sludge.
Uhrichsville-Dennison.....	11,046	1951	Complete, activated sludge.
Urbana.....	9,335	¹ 1955	Do.
Wadsworth.....	7,966	¹ 1954	Do.
Total ²	577,251	-----	

¹ Date works placed under construction.² Complete treatment, 18; partial treatment, 10; primary treatment, 2.

TABLE 1A.—*Ohio villages having constructed new sewage treatment works during last 6 years*

City	1950 population	Date works in service	Type of works
Batavia.....	1, 445	¹ 1954	Complete, trickling filters.
Blanchester.....	2, 109	1953	Do.
Bluffton.....	2, 423	1954	Do.
Cedarville.....	1, 292	1951	Do.
Chardon.....	2, 478	¹ 1954	Do.
Clyde.....	4, 083	¹ 1954	Do.
Crestline.....	4, 614	1947	Complete, activated sludge.
Dalton.....	938	¹ 1954	Complete, trickling filters.
Hiram.....	986	1954	Do.
Hudson.....	1, 538	1948	Do.
Lexington.....	739	1954	Do.
Lisbon.....	3, 293	¹ 1954	Complete, activated sludge.
Lodi.....	1, 523	1954	Do.
Louisville.....	3, 801	1952	Do.
Louland.....	2, 149	1953	Complete, trickling filters.
Lucas.....	573	¹ 1954	Primary, imhoff tanks.
Marysville.....	4, 256	¹ 1955	Complete, activated sludge.
Middleburgh Heights.....	2, 299	1950	Do.
Newcomerstown.....	4, 514	¹ 1954	Primary, separate sludge digestion.
New Lebanon.....	696	1953	Complete, trickling filters.
Ottawa.....	2, 962	¹ 1954	Complete, activated sludge.
Perrysville.....	674	1953	Primary, imhoff tanks.
Piketon.....	768	¹ 1954	Primary, separate sludge digestion.
Powhatan Point.....	2, 135	1951	Primary, imhoff tanks.
Rittman.....	3, 810	1953	Primary, separate sludge digestion.
St. Paris.....	1, 422	¹ 1954	Complete, trickling filters.
Tuscarawas.....	700	1953	Primary, imhoff tanks.
Waverly.....	1, 679	¹ 1955	Primary, separate sludge digestion.
Westerville.....	4, 112	1954	Complete, activated sludge.
West Lafayette.....	1, 346	1949	Primary, separate sludge digestion.
West Milton.....	2, 101	1952	Do.
West Union.....	1, 508	1952	Complete, trickling filters.
Total ² (32 villages) ...	68, 966		
Totals ³ for tables 1a, new sewage treatment works—62 municipalities, at \$646217.			

¹ Denotes date works placed under construction.² Complete treatment, 22; primary treatment, 10.³ Complete treatment, 40; partial treatment, 10; primary treatment 12.

TABLE 2.—*Ohio municipalities having constructed extensive improvements to existing sewage treatment works during last 6 years*

City	1950 population	Date works in service	Type of works
Akron.....	274,605	¹ 1954	Complete, trickling filters and activated sludge
Bedford.....	9,105	¹ 1954	Complete activated sludge.
Berea.....	12,005	1951	Do.
Cleveland (southerly).....	256,500	¹ 1954	Do.
Columbus.....	375,901	¹ 1954	Do.
Dayton.....	243,872	¹ 1954	Complete trickling filters.
Delphos.....	6,220	¹ 1954	Do.
Findlay.....	23,845	1954	Complete activated sludge.
Galion.....	9,952	1954	Do.
Lima.....	50,246	¹ 1954	Do.
Marion.....	33,817	1953	Complete trickling filters.
Oxford.....	6,944	¹ 1954	Do.
Troy.....	10,661	1953	Do.
Washington C. H.....	10,560	1950	Do.
Wilmington.....	7,387	1954	Complete activated sludge.
Xenia.....	12,877	1948	Complete trickling filters.
Total ²	1,344,497	-----	
<i>Village</i>			
Barnesville.....	4,665	1949	Complete, trickling filters.
Centerburg.....	887	1954	Complete, sand filters.
Granville.....	2,653	1952	Complete, trickling filters.
Hubbard.....	4,560	1954	Do.
Jamestown.....	1,345	1954	Complete, activated sludge.
Lebanon.....	4,618	1951	Do.
Oak Hill.....	1,615	1954	Complete, trickling filters.
Richwood.....	1,866	1954	Do.
Vandalia.....	927	1953	Primary, imhoff tanks.
Windham.....	3,968	1953	Complete, trickling filters.
Total ³	27,104	-----	
Grand total ⁴	1,371,601	-----	

¹ Denotes date works placed under construction.² 16 cities (complete treatment, 16).³ 10 villages (complete treatment, 9; primary, 1).⁴ Extensive improvements to existing sewage treatment works, 26 municipalities (complete treatment, 25, primary treatment, 1).TABLE 3.—*Progress in construction of municipal sewage treatment improvements summarized for each of the last 6 years*

	City or village	1949 ¹	1950	1951	1952	1953	1954	1955 ²	Sub-totals	Totals
New plants, where none existed before.	City.....	2	0	2	0	2	5	9	20	42
	Village.....	2	1	2	2	5	2	8	22	
New plants, replacing old plants.	City.....	1	0	1	1	1	3	² 3	10	20
	Village.....	1	0	0	1	1	3	² 4	10	
Major expansions to existing plants.	City.....	1	1	1	0	2	3	8	16	26
	Village.....	1	0	1	1	2	5	0	10	
Total, by years, major sewage treatment improvements.	-----	¹ 8	2	7	5	13	21	² 32	-----	88

¹ Under 1949 listing are included 1 village plant built new in 1947, 1 village plant replacing an old plant in 1948; also 1 city plant with major expansion in 1948.² All plants listed under 1955 were placed under construction during 1954, and are not yet completed, except 3 that did not get under construction until 1955; namely, 1 new city plant and 2 new village plants each replacing old plants.

NOTE.—Compilation by division of sanitary engineering, Ohio Department of Health.

PROGRESS WITH RESPECT TO INDUSTRIAL WASTES CORRECTIVE MEASURES IN PAST 5 YEARS, APRIL 1955

BEET SUGAR

Buckeye Sugar Co., Ottawa: Major industrial wastes corrective measures, 1951.
Northern Ohio Sugar Co. (Great Lakes Sugar Co.), Fremont: Major industrial wastes corrective measures, 1953-54.

(NOTE.—Two of three plants in Ohio, only, have operated since 1951.)

CANNING

Air Line Packing Co., Edgerton: Acceptable industrial wastes treatment and disposal facilities, 1953.

Campbell Soup Co., Henry County, Harrison Township: Land spray irrigation (tomato wastes), 1954: complete treatment facilities under construction (year round operation), 1955.

Hirzel Canning Co., Wood County, Ross Township: Land spray irrigation, 1953.

Libby, McNeill & Libby, Leipsic: Land spray irrigation, 1954.

(NOTE.—Seventeen small establishments have constructed acceptable facilities during the last 5 years; 5 have installed some corrective measures. Of 20 plants with inadequate or no corrective measures as of January 1, 1955, 12 have taken definite steps in comprehensive corrective programs.)

CHEMICAL

General Chemical Division, Allied Chemical & Dye Corp., Garfield Heights: Acceptable industrial wastes disposal control facilities, 1952.

General Chemical Division, Allied Chemical & Dye Corp., Lake County, Painesville Township: Acceptable industrial wastes disposal facilities, 1954.

Hoffman-LaRoche, Inc., Cambridge: Pretreatment facilities discharge to Cambridge municipal sewers, 1953.

Lubrigol Corp., Wickliffe: Additions to existing industrial wastes treatment facilities, 1950.

Morton Salt Co., Rittman: Sedimentation and disposal to underground, 1954.

National Distillers Chemical Corp., Ashtabula County, Ashtabula Township: Additions to industrial wastes treatment and disposal, 1953.

Nitrogen Division, Allied Chemical & Dye Corp., Lawrence County, Perry Township: Acceptable industrial wastes disposal control, 1954.

Procter & Gamble Co., Ivorydale Factory, Industrial wastes intercepting sewers, discharge to municipal sanitary sewer system of Cincinnati, under construction.

Procter & Gamble Co., Miami Valley Laboratories, Industrial wastes treatment facilities—control discharge, 1952.

Ravenna Arsenal, Apco: Acceptable industrial wastes treatment and disposal facilities, 1952.

(NOTE.—Thirteen other establishments have constructed acceptable facilities during the last 5 years. Of 27 with inadequate or no corrective measures as of January 1, 1955, 24 have taken definite steps in comprehensive corrective programs.)

COAL WASHING

Central Ohio Coal Co., Morgan County, Meigsville Township: Clarification and reutilization of coal wash waters (closed circuit), 1953.

Commercial Fuel Co., Noble County, Brookfield Township: Clarification and reutilization of coal wash waters (closed circuit), 1953.

David Z. Norton Co., Belmont County, Washington Township: Clarification and reutilization of coal wash waters (closed circuit), 1954.

Hanna Coal Co., Division of Pittsburgh Consolidated, Harrison County, Cadiz Township: Clarification and reutilization of coal wash waters (closed circuits), 1951.

Hanna Coal Co., Division of Pittsburgh Consolidated, Jefferson County, Smithfield Township: Clarification and reutilization of coal wash waters (closed circuit), 1953.

(NOTE.—Fourteen other coal washing establishments have constructed or placed under construction acceptable facilities during the last 5 years. Of 3 other active establishments 2 have taken definite steps toward comprehensive programs.)

FERMENTATION

Two establishments having inadequate or no corrective measures as of January 1, 1951, are negotiating with respective municipalities to discharge pretreated wastes to municipal sanitary sewers.

MEATPACKING

Braun Bros. Packing Co., Miami County, Concord Township: Complete treatment facilities, 1952.

David Davies, Inc., Zanesville: Pretreatment preparatory to connection to proposed sanitary sewerage system of Zanesville, 1954.

(NOTE.—Nineteen other establishments have constructed or placed under construction acceptable facilities during past 5 years; 5 have installed some corrective measures. Of 26 plants with inadequate or no corrective measures as of January 1, 1951, 24 have taken definite steps in comprehensive programs.)

METAL FINISHING

Cleveland Graphite Bronze Co., Noble County, Olive Township: Acceptable industrial wastes treatment facilities, 1952.

Cleveland Graphite Bronze Co., Morgan County, Morgan Township: Acceptable industrial wastes treatment facilities, 1952.

Electric Auto Lite Co., lamp division, Evendale: Acceptable industrial wastes treatment facilities, 1950.

Electric Auto Lite Co., Sharonville plant, Hamilton County, Sycamore Township: Acceptable industrial wastes treatment facilities, 1954.

Frigidaire Division, plants 2 and 5, General Motors Corp., Montgomery County, Van Buren Township: Additional corrective measures, 1953.

Frigidaire Division, plant 3, General Motors Corp., Montgomery County, Van Buren Township: Acceptable industrial wastes disposal control measures, 1953.

Goodyear Tire & Rubber Co., St. Marys manufacturing division: Acceptable industrial wastes corrective measures, 1952.

Ranco, Inc., Delaware: Pretreatment, connection to Delaware municipal sanitary sewerage system, 1950.

Ranco, Inc., Union County, Darby Township: Acceptable industrial wastes treatment facilities, 1952.

Standard-Thompson Corp., Montgomery County, Butler Township: Acceptable industrial wastes treatment facilities, 1954.

Standard Steel Spring Division, Rockwell Spring & Axle Co., Newton Falls: Additions to industrial wastes treatment facilities, 1952.

(NOTE.—Ten other establishments have constructed acceptable facilities during the last 5 years; 4 have provided pretreatment and made connection to municipal sewer systems. Of 47 having inadequate or no corrective measures as of January 1, 1955, 43 have taken definite steps in comprehensive programs.)

MILK

Broughton Farms Dairy, Washington County, Marietta Township: Partial treatment, 1954.

Ohio Evaporated Milk Co., Trumbull County, Kinsman Township: Major industrial wastes corrective measures, 1954.

United Dairy Co., Washington County, Waterford Township: Acceptable industrial wastes treatment and disposal, 1954.

(NOTE.—Nine other establishments have installed acceptable facilities during the last 5 years; 5 have installed major improvements with respect to industrial wastes disposal. Of 41 plants having inadequate or no corrective measures as of January 1, 1955, all have taken definite steps in comprehensive programs; 20 have improvements under construction.)

MISCELLANEOUS

Cadillac Motor Car Division (tank plant), General Motors Corp., Brook Park Village: Acceptable industrial wastes treatment facilities, 1951.

Cambridge Tile Manufacturing Co., Cincinnati: Acceptable industrial wastes corrective measures, 1954.

- Cincinnati Gas & Electric Co., Beckford Station generating plant, Clermont County, Pierce Township: Acceptable industrial wastes corrective measures, 1952.
- Columbus & Southern Ohio Electric Co., Poston plant-generating station, Athens County, York Township: Acceptable industrial wastes corrective measures, 1953.
- Dayton Power & Light Co., O. H. Hutchings generating station, Montgomery County, Miami Township: Acceptable industrial wastes corrective measures, 1950.
- Ford Motor Co., engine plants Nos. 1 and 2: Acceptable industrial wastes treatment facilities, 1952 and 1954.
- Libbey-Owens-Ford Glass Co., Wood County, Ross Township: Acceptable industrial wastes treatment facilities, 1955, under construction.
- National Lead Co. of Ohio, Hamilton County, Crosby Township: Acceptable facilities for controlled industrial wastes discharge, 1953.
- Ohio Power Co., Muskingum District Generating Division, Washington County, Waterford Township: Acceptable industrial wastes corrective measures, 1954.
- Ohio Valley Electric Co., Kyger Creek Generating Stations, Gallia County, Addison Township: Acceptable industrial wastes corrective measures, under construction.

(NOTE.—Twenty-two other establishments have constructed or placed under construction acceptable corrective measures in the last 5 years. Of 23 establishments having inadequate or no corrective measures as of January 1, 1955, 19 have taken definite steps in comprehensive programs.)

OIL PRODUCING (FLOODING)

Six active oil producers using water flooding have installed recovery and recirculating systems or have made major improvements to previously installed systems for preventing the discharge of oil and brine during the past 5 years.

OIL REFINING

- Ashland Oil & Refining Co., Findlay: Oil separator facilities, 1954.
- Ashland Oil & Refining Co., Stark County, Canton Township: Oil Separator facilities, 1952.
- Gulf Refining Co., Toledo: Additional oil separator facilities, 1954.
- Standard Oil of Ohio, Allen County, Shawnee Township: Oil Separator facilities, 1951.
- Sun Oil Co., Lucas County, Oregon Township: Major industrial wastes corrective measures, 1954.

(NOTE.—Five other active oil refineries have made improvements to old installations during the past 5 years.)

PAPER

- Champion Paper & Fiber Co., Hamilton: Plans of clarification facilities in preparation, 1955.
- Fairfield Division, Gaylord Container Corp., Baltimore: Major industrial wastes corrective measures, 1953, and under construction.
- Loroco Industries Inc., Lancaster: Clarification and reutilization of industrial wastes, 1954.
- Moraine Paper Co., Montgomery County, Miami Township: Industrial sewer improvements, 1955, under construction.
- Ohio Box Board Co., Rittman: Major industrial wastes corrective measures, 1952 and under construction.
- Sall Mountain, Butler County, Lemon Township: Clarification and reutilization of industrial wastes, 1954.
- Wren Paper Co., Middletown: Major industrial wastes corrective measures, 1954.

(NOTE.—Of 35 other active establishments having inadequate or no corrective measures, 20 have made significant progress within the past 5 years with respect to reutilization of waste water and to the recovery of salvable fibers and have initiated studies with respect to formulating plans of adequate corrective measures; 14 have made some progress with respect to the evaluation of pollution loads, to wastes reutilization, and to formulating programs of corrective measures.)

PHENOL

Armco Steel Corp. (byproduct coke plant), Middletown: Phenol recovery facilities, 1953.

Barrett Division, Allied Chemical & Dye Corp., Ironton: Strong phenolic wastes pumped to recovery facilities of Samet-Solvay division (major improvement), 1954.

(NOTE.—Sixteen establishments have made major improvements toward phenol elimination during the last 5 years; 3 establishments have made arrangements to connect to public sewer systems; 1 has submitted plans of proposed corrective measures. Of 7 other active establishments 4 have taken definite steps in a comprehensive corrective program.)

RENDERING

Four establishments have installed acceptable facilities during the last 5 years. Of 7 plants having inadequate or no corrective measures as of January 1, 1955, 4 have taken definite steps in comprehensive programs.

RUBBER RECLAIMING

Two active establishments initiated studies for satisfactory industrial wastes disposal in 1954.

STEEL MILL (ACID IRON)

Armco Steel Corp., Zanesville: Plant scale pilot facilities, 1954.

Babcock & Wilcox Co., Tubular Products Division, Alliance: Satisfactory disposal by haulage for neutralization, 1954.

Ohio Seamless Tube Division, Sharon Steel Corp., Shelby: Acceptable industrial wastes treatment and disposal facilities, 1954.

(NOTE.—Of 35 other establishments having inadequate or no corrective measures as of January 1, 1955, 3 have improvements under construction; 32 have taken definite steps in comprehensive corrective programs. Several major steel companies have jointly made commitment with respect to installing a pilot plant for solving the problem of strong pickle liquors.)

STEEL MILL (BLAST FURNACE)

Armco Steel Corp., Middletown: New facilities, clarification and reutilization of industrial wastes, 1953.

American Steel & Wire Division, U. S. Steel Corp., Cleveland: Clarification of industrial wastes, 1954.

Detroit Steel Corp., Portsmouth: Clarification of industrial wastes, 1954.

Republic Steel Corp., Central Alloy District, Massillon: Clarification of industrial wastes, 1953.

Sharon Steel Corp., Lowellville: Additional sedimentation facilities, 1954.

(NOTE.—Twelve other establishments having inadequate or no corrective measures as of January 1, 1955, have made slight progress with respect to corrective measures.)

STEEL MILL (MILL SCALE)

Armco Steel Corp., Middletown: New plant for virtually complete removal of scale and for reutilization of clarified wastes, 1953; additions under construction 1955.

Empire Steel Division, Reeves Steel & Manufacturing Co., Richland County, Madison Township: Major industrial wastes corrective measures, under construction 1955.

Wheeling Steel Corp., Mingo Junction: Clarification and reutilization, 1954.

(NOTE.—The 21 remaining active establishments have initiated programs for evaluating the effectiveness of existing facilities.)

STEEL AND METALLURGICAL (MISCELLANEOUS)

Central Foundry Division, General Motors Corp., Defiance: Sedimentation facilities for industrial wastes, 1951.

Union Carbide & Carbon Corp., Electrometallurgical Division Ashtabula County, Ashtabula Township: Clarification facilities for industrial wastes, 1950.

Union Carbide & Carbon Corp., Electrometallurgical Division, Washington County, Warren Township: Clarification facilities for industrial wastes, 1951. Wheeling Steel Co., Martins Ferry: Change-in-process to eliminate wastes, 1954.

(NOTE.—Four other establishments have constructed acceptable facilities during the past 5 years; 3 have constructed pretreatment facilities and have made arrangements to discharge effluents to municipal sanitary sewerage systems. Of 5 other establishments having inadequate or no corrective measures as of January 1, 1955, all have taken definite steps in comprehensive corrective programs.)

TANNING

Four establishments having inadequate or no corrective measures as of January 1, 1955, have taken definite steps toward comprehensive programs; 2 of these are negotiating with respective municipalities for discharge of pretreated industrial wastes to proposed municipal sanitary sewerage systems.

TEXTILE

Three establishments having inadequate or no corrective measures as of January 1, 1955, have taken definite steps in comprehensive programs.

Senator CASE. I note that the appendix to exhibit A gives the dates of adoption of the compact and the approval by the States. Briefly, it appears that the Congress authorized the compact in June 1936, and that the States thereafter formulated a compact which was approved in July 1940, as far as Congress is concerned, is that correct?

Mr. BIERY. That is correct, sir.

Senator CASE. But the ratification or approval by the States ran over quite a period of years; that Indiana approved it March 4, 1939; West Virginia, March 11, 1939; Ohio, August 31, 1939; New York, July 11, 1939; Illinois, July 22, 1939; Kentucky, June 30, 1940; Pennsylvania, April 2, 1945; and Virginia, March 13, 1948. That is correct, is it not?

Mr. BIERY. That is correct, sir.

Senator CASE. Could you state what difficulties were encountered in delays of ratifications by Kentucky, Virginia, and Pennsylvania?

Mr. BIERY. Yes, sir; throughout the entire period of negotiation there developed considerable opposition to what appeared to be coming control of stream pollution.

Some of the same powerful interests that had opposed pollution bills in Congress over the long period that such bills were introduced, fruitlessly before Congress, happened in the development of the compact; and efforts were to prevent the compact from becoming effective, by concerns that resisted pollution control.

Moreover some of the States came up with reservations about the compact. For example, when West Virginia approved the compact, they said that we will give it our blessing, but not until it has had approval by Ohio and Pennsylvania, by New York, and by Virginia. Virginia was not even in the discussions at that time, so we had to hurry back to Congress and amend the bill authorizing the negotiation of the compact to include Virginia and get the consent of the other legislatures that had already proceeded with their ratifying legislation to accept Virginia as a partner. All of this took time.

Senator CASE. Apparently it took 8 or 9 years.

Mr. BIERY. The war came along, and there was a period in which not much could be done to expedite pollution control because there were more important factors. It was much more important to win

the war than it was the battle against pollution, and this involved steel interests, coal interests, manufacturing interests, because no one wanted to do anything that might decrease the war effort. There was a lengthy period in which the whole thing rested on its oars, as you might say, and that coupled with the reservations that were made, particularly those of Pennsylvania, which were similar to the ones from West Virginia made it rather difficult to get action on these final States.

SENATOR CASE. Is that the general history of compact legislation: That it takes time to get the concurrence of several States?

MR. BIERY. I would say it took a little more time than most for the simple reason that this is a far reaching document. It covers an area of 2 million square miles, and a population of 19 million people. It involves a tremendous expense.

We estimated 5 or 6 years ago that the total cost of carrying out the provisions of this compact would cost the Ohio Valley somewhere in the neighborhood of \$1 billion; and that figure is undoubtedly nearly correct.

This work is being accomplished by our group of States without Federal aid of any description. People have asked frequently how long is it going to take, and the convenient answer is we are going to finish it as fast as the economy of the Ohio Valley can absorb it, and it is moving a little faster than we thought it would.

(The following letter submits additional information on this subject:)

OHIO RIVER VALLEY WATER SANITATION COMMISSION,
Cincinnati 2, Ohio, April 28, 1955.

HON. FRANCIS CASE,
Senate Office Building, Washington, D. C.

DEAR SENATOR CASE: During my testimony, April 25, regarding S. 890, you were good enough to ask several stimulating questions, and I have the feeling that my reply to at least one of them could have been much better than it was.

You questioned the time it took to develop the Ohio River Compact, and I replied by explaining the opposition we encountered in certain States and the interruption of the war which prevented active consideration of the compact legislation for several years. I should have reminded you that the enabling bill for the compact and the Barkley-Hollister bill (forerunner of the Barkley-Vinson bill, which later became Public Law 845) were introduced in Congress on the same day in 1935 and that both became law on the same date, at practically the same hour, June 30, 1948, but that efforts to obtain a national water pollution act had been under review by Congress for 50 years prior to 1935. My point is obvious. When the States undertook serious consideration of the pollution problem, they had moved far more rapidly with it than did the Federal Government. The same thing is happening right now in pollution abatement throughout the Nation as well as in the Ohio Valley.

If you think these comments are worthy of the record in our hearing, you may file this letter as an extension of my testimony.

Thanking you for your consideration, I am,
Cordially yours,

HUDSON BIERY,
*Chairman of Legislative Committee,
Commissioner for Ohio.*

SENATOR CASE. Mr. Biery, this section 7, to which attention has been directed, which would proceed to give the Surgeon General authority to recommend standards, has a conditioning paragraph, which is subparagraph B, and reads as follows:

(b) The Surgeon General shall prepare the standards pursuant to subsection (a) with respect to any waters only if, within a reasonable time after being

requested by the Surgeon General to do so, the appropriate States and interstate agencies have not developed standards found by the Surgeon General to be acceptable for adoption under subsection (a).

In the light of the history of the delay in the ratification of the compact, do you not fear that the States would exhibit considerable delay in developing suitable standards?

Mr. BIERY. I am afraid, sir, that the development of suitable water standards might take a great deal more time than the development of the compact legislation, or a practical method of pollution control.

There is a sharp division of opinion among our technical men, and I am not qualified to speak as one of those. They will speak for themselves before this committee a little later, but there are sharp divisions of opinion as to the practicability of water quality standards. When you are considering water—I have not heard this one discussed, so I can feel free to talk about it all I please—if you were to discuss the water quality standards that you would like to invoke in the State of Indiana with its hundreds of lakes and tributary rivers, operating under many varying conditions of flow and pollution waste and low-flow controls, you would have a very difficult time arriving at standards for everybody's water that should have some standard of quality.

I believe that you will find that some of our States are proceeding very rapidly in pollution control without undertaking the complications of water quality standards. I am not saying that we should not undertake water quality standards where they are practical, but I believe that is still a province of States; and if there was any conflict between who was going to do it, that we would get into endless complications if the Federal Government on the one hand were trying to do it in certain areas and the States in the same areas, that is where the problems were being taken care of by the States.

I think, sir, there are other gentlemen here who are far better qualified to express an opinion on that. That is just a curbstone opinion.

Senator CASE. I have considerable sympathy with preserving for the States authority in matters that are exclusively their own. I do think we have some different phases of a problem when we deal with interstate waters that flow from one State to another.

I also think that the history of the ratification of the compact itself suggests the delays that may occur in obtaining any substantial progress in clearing up interstate water if there is not some method whereby a standard is brought to the attention of the States with some measure of forceful recommendation—I do not know that I want to go to the extent that the bill does in suggesting a whip they did here by providing for the Surgeon General—but there ought to be some way, in which we could encourage the States to make progress in the water standards of interstate water.

Mr. BIERY. I would like to ask Mr. Cleary to answer that, as I think he might be better qualified to answer and I am sure we would be glad to answer such technical questions as you may have.

Senator HRUSKA. Have you any further questions to address to Mr. Cleary in that field, Senator Case?

Senator CASE. Mr. Cleary, do you think that the offer of a cooperative program of Federal aid in the establishment of pollution control is a sufficient encouragement or inducement to insure a noticeable

progress or improvement of interstate water without giving the Surgeon General authority to prescribe standards?

Mr. CLEARY. In the field of standards, there is so much difference of opinion as to what constitutes a proper standard for a stream because the standard must be related to the varying uses of water; such uses vary from area to area, depending on the historical industrial and population development, that I think the cumbersomeness of establishing standards would defeat the purpose.

Senator CASE. Under which plan?

Mr. CLEARY. Under the plan as outlined in S. 890.

Senator CASE. Do you think it is less cumbersome to leave it to the States?

Mr. CLEARY. I would recommend that the area in which all the States need advice and counsel is not in establishing stream standards but in development of criteria of water quality related to use. These criteria would furnish the basis for exercising judgment in arriving at a conclusion as to the control measures for a specific stream.

In our field of endeavor we lack proper yardsticks for evaluating water quality. Their development calls for scientific work of the kind that the Public Health Service has long been engaged in. I believe that aid in developing criteria would promote control of pollution in accordance with the required water quality. But stream standards by themselves have such a fixity and rigidity that I doubt whether their usefulness would be worth the effort.

Senator CASE. You think it would be helpful for the Public Health Service to make determinations of suitable standards, but merely to suggest them to the State rather than to prescribe them; is that correct?

Mr. CLEARY. Yes, I would prefer to use the word "criteria." These would be the yardsticks that distinguish the quality of water for various uses. The Public Health Service has already done preeminent work in that field, but so much more needs to be done. It represents an endeavor from which all the States would profit.

Senator CASE. That is all, Mr. Chairman.

Senator HRUSKA. Mr. Biery, in a letter that was filed with the committee in an earlier hearing, it was reported and stated that this bill had not been reported to the States nor had any consultation been made of the States prior to its introduction.

What is the experience of Ohio in that regard?

Mr. BIERY. We were just a little surprised when we received the new bill. I was particularly surprised to note that it carried the sponsorship of Senator Duff and Senator Martin, who were Governors of Pennsylvania when the compact was under consideration by the Pennsylvania Assembly.

It was a little hard to understand how a measure of this kind which apparently was running contrary to the philosophy of State sovereignty would appear out of the clear sky before this committee.

We were not privileged to take part in the development of the bill, or it would not be like it is. I think that is a fair statement.

Do not misunderstand me. There is undoubtedly need for some revision of Public Law 845. There are some good things in S. 890. There are some things in S. 890 that are incompatible with the fine work in pollution control that the States are doing.

I did not attempt to file this annual report of our Ohio Commission in the record because it contains a lot of color graphs and charts that it would be impossible for you to reproduce, but we are proud of the speed and progress of this program by the States, and the manner in which they are struggling to carry out their responsibilities.

For one thing, every State has revised its own legislation in carrying out one of the pledges of the compact that they would do that. That has taken time. These things all take time, and again referring to the time element, if I may stress that just a little, the same pressures were applied in Pennsylvania and West Virginia against adoption and ratification by these States that have been encountered for years and years in the effort to obtain suitable pollution legislation, with which the country could be cleaned up.

Senator CASE. Mr. Chairman, Mr. Biery's reference to the report drew my attention to the center spread in the Ohio River Valley Water Sanitation Commission's Sixth Annual Report for 1954. It is a very interesting map design there showing the several States along the Ohio River.

A little white circle suggests plants apparently where there is no treatment. The white circle is surrounded with a red disk where works are in progress; where treatment is provided the black center with a red circle around it, and looking at this design, I note that there are numerous circles indicating a place where treatment might be on both sides of the Ohio River, but whereas there are approximately 17 sites on the northerly side of the river where either new service in the construction stage or treatment has been provided, and there is only 1 on the southerly side.

I am wondering, Mr. Biery or Mr. Cleary, whether Ohio and Indiana and Illinois on the northerly side of the river are proceeding at a more rapid rate than they are in Pennsylvania, West Virginia, Virginia, and Kentucky.

Mr. BIERY. Undoubtedly, it has been possible for some States to proceed a little faster than others. It is interesting to note that the Kentucky cities opposite Cincinnati were able to bring themselves together into a joint contract involving some 20-odd municipalities, and they have planned and completely built their sewage disposal areas that take care of the whole area.

Senator CASE. Your map only shows one point.

Mr. BIERY. That is the operation. This is 1 plant serving 16 communities.

Senator CASE. What good does it do for you to clean up the plants on your side if the plants on the other side continue to pour in their industrial wastes?

Mr. BIERY. We have every reason to feel that the whole situation is well in hand and that both sides of the river are in a planning stage or in a building stage or a financing stage.

For example, the Pittsburgh situation is one of the most important ones. You will note it does not show anything for Pittsburgh, and yet at this moment the complete detailed plans and specifications for the Pittsburgh sewage disposal area arrangements have been completed, which involves the expenditure of some \$87 million.

They have obtained the ground for their work. I understand the last development is the acquirement of office space for the engineering crews that will conduct the actual construction program, and

the financing has been arranged, and that they will move very rapidly from here on.

There is a lot in that stage in the valley. It takes time to work out a project.

Senator CASE. I am glad to have that additional testimony, but the exhibit which you show is startlingly suggestive of the progress on the north side of the river but not on the south side.

Mr. BIERY. I suggest Mr. Cleary give his analysis of that.

Mr. CLEARY. I am Edward J. Cleary, executive director and chief engineer for the Ohio River Valley Water Sanitation Commission.

I wanted to supplement Mr. Biery's remarks with comments on the progress being made by the joint effort of the eight States.

The sixth annual report, which has come under discussion, was made to the governors of the signatory States, and shows progress as of June 30, 1954.

This report reveals that we are witnessing the greatest impetus ever experienced in the Ohio Valley in the complete construction and planning of municipal sewage treatment facilities, as well as those concerned with industrial plants.

Senator CASE. Mr. Cleary, you do accept as a fundamental proposition, do you not, that the work has to be done on both sides of the river in order to really be effective?

Mr. CLEARY. Yes, sir; I do.

Senator CASE. If you do such work on one side of the river, and the other side does not, do you not think it defeats the purpose?

Mr. CLEARY. Yes, sir.

Senator CASE. Do you not recommend a little encouragement by Congress to have all the States get into the harness?

Mr. CLEARY. I believe the Ohio River Valley States are making progress together. Since the formation of the Commission 6 years ago, the rate of acceleration of the construction and installation of works has proceeded 4 times faster than the entire 8 years prior to the formation of the Commission.

For example, there was an increase of over 1 million people that have been served, compared to only one-quarter million increase in the 8 years prior to that.

Senator CASE. Where has that change taken place?

Mr. CLEARY. Throughout the Ohio Valley.

Senator CASE. On both sides?

Mr. CLEARY. On both sides, including the tributaries, throughout the entire valley.

Probably of even greater significance are the new facilities under construction, which will serve 860,000 more people.

Our feeling that the future rate of construction should continue to be as great, if not greater, is gained from the knowledge that final plans have been approved by the 8 States to serve another 2,400,000 people.

Senator CASE. Mr. Chairman, I think that possibly we are taking a little bit too much time on this. I would, however, like to invite Mr. Cleary and Mr. Biery to analyze their chart that appears in the annual report of the Ohio commission and direct their remarks particularly to explaining why the report with the design they have seems at variance with the testimony.

Senator HRUSKA. Would you bring it up to date, inasmuch as the exhibit is as of June 30, 1954?

Mr. CLEARY. We would be very happy to do that.

Senator CASE. Mr. Chairman, there are a great many witnesses, I think, waiting to be heard this morning, and I did not intend that my questions should take too much time, but I would think that inasmuch as they offered that as an exhibit and inasmuch as it does indicate the need of a great deal of cooperation and a need of everybody getting in harness, it should be up to date.

Mr. CLEARY. May I call attention to page 11 of our report where you will find the status of all those communities on the southern side, virtually all of them are either in the planning stage or under-construction stage.

Senator HRUSKA. It will appear at this point in the record.

(The above-mentioned information is as follows:)

EXTENSION OF REMARKS BY EDWARD J. CLEARY, EXECUTIVE DIRECTOR AND CHIEF ENGINEER, OHIO RIVER VALLEY WATER SANITATION COMMISSION, BEFORE THE SENATE FLOOD CONTROL-RIVERS AND HARBORS SUBCOMMITTEE OF THE COMMITTEE ON PUBLIC WORKS AS REQUESTED BY SENATOR FRANCIS CASE ON APRIL 25, 1955

Senator Case has asked me to give the committee further information on pollution-control efforts being made on the south bank of the Ohio River.

May I point out that it would be incorrect to conclude that little progress is being made on interstate pollution control in the Ohio River because the map in the Commission's annual report shows 17 sewage-treatment plants on the north bank completed or under construction as contrasted with only one plant completed on the south bank. This latter plant, as indicated by a note on the map, actually serves 16 municipalities.

Further, the map shows conditions as reported to the Commission on June 30, 1954. But 6 months later—January 1955—four more plants were placed under construction on the south bank and bonds had been voted for still another. Construction is underway at McMechen, Glen Dale, and Point Pleasant, W. Va., and Henderson, Ky.; bonds were voted to start work at Paducah.

May I also emphasize that since the map was designed simply to show construction status it does not convey progress activity in terms of planning—that is, the preparation of detailed engineering plans which are prerequisite to construction. For this information one should turn to the tabulation on pages 11 and 14 of our report (preceding and following the map), which shows the status of progress for each of 155 municipalities. If preparation and approval of final engineer's plans for construction is a criterion of progress—and the Commission certainly believes that it is—one can find considerable evidence of solid progress.

Considering that the Ohio River Commission has been engaged in a campaign of interstate pollution control for only 6 years the record being made by the States in meeting their obligations under the compact shows remarkably rapid progress. For example, 6 years ago the Commonwealth of Kentucky lacked adequate legislation to deal with pollution. Less than 2 years after signing the compact Kentucky completely revamped its legislation and established the machinery for exercising effective pollution control. Probably no other State in the Union can match this record for speedy and aggressive action on pollution. Kentucky is a "southbank" State, and its sister States in the compact applaud the progress it is making.

West Virginia, the other "southbank" State, likewise revamped its legislation to expedite control measures under the compact pledge. West Virginia cities on the Ohio River were hesitating to spend money for sewage plants until they had assurance that their big upstream neighbor, Pittsburgh, was going to clean up its waste. They got that assurance when the Commonwealth of Pennsylvania, another member of the compact, recently approved final plans for the \$87 million Pittsburgh sewage-treatment plant, that will serve 68 separate municipalities, construction on which is scheduled to start this summer. Already, three cities in West Virginia have started construction of sewage works—these are developments that have occurred since the map was drawn.

I am hopeful that these comments will clear up any misconceptions that Senator Case has over the manner in which the "southbank" States are progressing—the fact is that the Ohio River program is now moving so rapidly that a map 6 months old hardly does justice to the situation.

OHIO RIVER VALLEY WATER SANITATION COMMISSION,
Cincinnati 2, Ohio, April 26, 1955.

HON. ROBERT S. KERR,
*Chairman, Flood Control Rivers and Harbors Subcommittee,
United States Senate,
Senate Office Building, Washington, D. C.*

DEAR SENATOR KERR: I am sorry that you could not preside over the pollution hearings Monday. You would have been particularly interested in the testimony of witnesses representing Michigan and California.

On my return to Cincinnati this morning, I found the attached editorial in the Cincinnati Enquirer. It is so highly pertinent to the pollution problem under discussion that I would like to have you insert the article in the record in connection with my testimony.

Sincerely yours,

HUDSON BIERY,
Commissioner for Ohio.

[The Enquirer, Tuesday, April 26, 1955]

PRACTICAL APPROACH

W. W. Jennings, chairman of the Ohio River Valley Water Sanitation Commission, confidently predicts speedier progress in the control of pollution from industrial sources, now that a plan of procedure has been agreed upon by the commission and its 150-member industry-action committee.

This plan, evolved after 2 years of study, is described by Mr. Jennings as "one of the most complex and satisfying achievements of our interstate agency." Now that the 8 States represented in the pact have agreed upon a method of approach, he says: "We are in a position to expedite industrial waste control in the same orderly and effective fashion that municipal sewage treatment requirements were established by the commission on the Ohio River."

Each of the States is the arbiter of its own requirements in the banning of stream pollution from industrial sources, yet they have gotten together on certain basic restrictions. This in itself represents a very material advance. But beyond that, each State is pledged to put into effect control measures suitable to local factors.

No two instances of industrial pollution are quite alike, and the commission has agreed with industrial representatives that corrective measures should be tailored to meet the specific requirements of the location.

The determination on this policy—in preference to the adoption of broadside prohibitions—should expedite control of pollution of the Ohio and its tributaries. Every industry in the area is likely to cooperate wholeheartedly with a policy of enforcement that recognizes the difference between locations and water usage in determining at what point industrial wastes poured into a stream really constitute pollution contrary to the public interest.

Perhaps we are oversimplifying the matter when we say it, but there is a material difference between a little industrial waste dumped into a pool from which a municipal water supply is drawn, and a little industrial waste emptied into a creek scores or hundreds of miles away. The latter may—we say may—be tolerable, if it is of such character that it has no material effect anywhere downstream.

This is the practical, in contrast to the wholly idealistic, approach to the problem of interstate stream purification.

MR. CLEARY. Yes; that can be furnished, and we will do so.

Senator HRUSKA. Thank you, gentlemen.

MR. BIERY. Thank you, Mr. Chairman.

Senator HRUSKA. The next witness will be Dr. James McVay, accompanied by Dr. J. Lafe Ludwig.

Dr. McVay, we are glad to have you, and you also, Dr. Ludwig.

You may proceed with your statement.

**STATEMENT OF DR. JAMES R. McVAY, OF KANSAS CITY, MO., ON
BEHALF OF THE AMERICAN MEDICAL ASSOCIATION ON S. 890
AND S. 928**

Dr. McVAY. I am Dr. James R. McVay, of Kansas City, Mo., where I am engaged in the active practice of surgery. I am a member of the Board of Trustees of the American Medical Association and appear here today as a representative of that association in support of S. 890 and S. 928. I am accompanied by Dr. J. Lefe Ludwig, of Los Angeles, Calif., who will address himself primarily to the subject of air pollution.

In my capacity as a member of the Board of Trustees of the American Medical Association, I have been asked to give you gentlemen the views of that association on the two pending bills, which are designed to extend and strengthen the Water Pollution Control Act and to amend that act in order to provide for the control of air pollution.

Before commenting on S. 890, I should like to discuss briefly the aspects of water pollution from a public health viewpoint. Nearly half of our population depends on surface waters for their drinking water supply. With the increasing urbanization of our population the sources of pollution of these water supplies constantly increase. New industrial processes add to the types of waste which may find their way into our streams. The discharge of these pollutants may contaminate the water supply with both disease-causing organisms and toxic, chemical, biological, or radioactive waste.

We believe that the continued efforts of industry, private organizations and all levels of Government, each operating in the sphere in which its action can be most effective, are necessary to assure that our limited supplies of water remain safe and available for the use of our ever-expanding population.

The water Pollution Control Act of 1948 was originally a temporary measure designed, in part, to permit the determination of the most appropriate and effective Federal action in the solution of this problem. The extension of the act in 1952 for 3 additional years permitted the further evaluation of the proper Federal role in the field.

We believe that this act, as it has been administered, has been effective and helpful in reducing water pollution. We approve of the philosophy of the act, which recognizes the primary responsibility of the States for the control of water pollution and at the same time provides for Federal activity in those fields of primary Federal concern.

S. 890 would continue this basic philosophy, but alters the mechanism for discharging the Federal responsibility in the light of the experience gained in 7 years under the old act. We believe that the following changes proposed in this bill represent improvements and will make for more effective cooperation between the State and Federal Governments. The broadened research authority will permit a decentralization of research activities, which should prove most effective in obtaining knowledge of the effect on water supplies of waste from new and expanding industries. The broader research phase should prove to be a more effective device for rapidly obtaining accurate information on new developments in both pollution and abatement of pollution, than would a centralized research system.

The proposed authorization for using Federal grant funds in the overall State program rather than limiting grants to special categories of activities appears wise. Since the ultimate solution to the problem of water pollution rests with States and communities, more effective results can be expected if these States and communities are given enough latitude in the expenditure of funds to concentrate on the problems which are of the most pressing importance to them. A general coordinated program which is insufficiently flexible to permit the exercise of local initiative in the solution of local problems is to be commended.

With respect to S. 890, the American Medical Association has one specific recommendation. Section 6 (a) of the bill, establishing the Water Pollution Control Advisory Board, makes no specific provision for medical representation. We believe that physicians skilled in the health aspects of public water supplies could make a valuable contribution to such a Board. Consequently, we recommend appropriate amendment of that section to provide for such representation.

That concludes my presentation and I should now like to introduce Dr. Ludwig, a physician from Los Angeles and a member of our committee on legislation, who will outline for the committee on legislation, who will outline for the committee at the proper time the views of the association on the subject of air pollution.

Senator HRUSKA. Are there any questions of Dr. McVay? Senator Case?

Senator CASE. I have none.

Senator HRUSKA. Senator Kuchel?

Senator KUCHEL. I have none.

Senator HRUSKA. Senator Neuberger?

Senator NEUBERGER. I would like to ask a question of Dr. McVay if I may, Mr. Chairman. Doctor, do you not think there is this danger, unless there is some ultimate Federal control, that a State which is either indifferent or recalcitrant about providing proper control or pollution going into a river, can defeat the most ambitious program on the part of the other States that are along that river?

Dr. McVAY. That seems to have been suggested in previous testimony; it would at least weaken the effectiveness of such a program unless it is satisfactorily carried out by some authority that has overall authority.

Senator NEUBERGER. I was referring to that particular sentence, which recognize the primary responsibility of the States," and I think that is fine; but like we have had a situation in the Pacific Northwest where the paper mills particularly, which have a great deal of chemical waste, as you know, have just been dumping into these rivers; and the States in many instances have done nothing about it.

It has not only defeated other sewage disposal plants along those rivers, but completely blocked off some of the most valuable salmon runs in the country.

I just wondered if there has not got to be some ultimate authority that will say, you have got to do this or we will get an injunction or you will be subject to such and such a penalty.

Dr. McVAY. I believe that unless there is some fundamental recognition of individual State responsibility, it is going to be very hard to coordinate the activities of the various States.

We believe that there should be some overall provision of authority that the recalcitrant States are bound by and will have to cooperate in the program.

Senator HRUSKA. Are there any further questions of Dr. McVay?

Senator NEUBERGER. No, that is all; thank you, Mr. Chairman.

Senator HRUSKA. If not, we will proceed with the testimony of Mr. William Voight, Jr., executive director of the Izaak Walton League.

STATEMENT OF WILLIAM VOIGT, JR., EXECUTIVE DIRECTOR OF THE IZAAK WALTON LEAGUE

Mr. VOIGHT. Mr. Chairman and members of the committee, an appearance by a representative of the Izaak Walton League of America before a committee of Congress, to ask for water-pollution control legislation, is not a new thing. People from our organization have been doing so periodically for 30 years. Nevertheless, I would like to identify the League for the record of this hearing.

Our organization is a nationwide membership association, the largest in the conservation movement completely integrated at local, State, and national levels. We center our attention chiefly upon the Nation's renewable natural resources, to try to help assure that they will be conserved, restored where necessary, wisely managed and properly utilized for the long-term benefit of the public.

We have no partisan political ties, and we are not bound to any commercial interest. We do not come to you seeking any special privilege, favor, profit, or other advantage.

When we were organized in 1922, 33 years ago, our leaders declared that water pollution abatement and control should be our most important single target. It has been one of our principal objectives ever since, and we have worked hard at it at all three of our levels of activity. Looking at the record, I think we may have done better with the local and State people down through the years than here on the Hill.

City sewage disposal works cannot be brought into existence overnight. Our chapter at Sioux Falls, largest city in South Dakota, was chartered in December 1924. By the summer of 1926, less than 2 years later, it had brought about the construction and operation of a complete sewage treatment plant for the city, and its name was put on the cornerstone plaque. That was our first one. Since then, League chapters have directly or indirectly influenced the construction of many, many other, similar plants, in nearly every State of the Union.

Gentlemen, our people have been equally active in the realm of State water pollution control laws, and their effective administration. Pennsylvania, Wisconsin, Virginia, Minnesota, South Dakota, Kansas, Iowa, Indiana, Illinois, Ohio, New York, and Oregon are some of these States. League members wrote some of the State laws.

Senator Duff can speak from personal knowledge of the devoted work of one of our members in his home State, the late Justice Grover C. Ladner. Judge Ladner had an extraordinary experience. As an assistant attorney general, he wrote the bill that became the Pennsylvania Clean Streams Law of 1937, and years later, as a member of the Supreme Court of the Commonwealth, he wrote a decision interpreting the meaning and scope of the law he had written.

Senator Duff, a life member of the League, as attorney general and later governor, put the full weight of his offices into the enforcement of that law as it had been improved in 1945. In other States, League people were members of boards and commissioners appointed by their Governors to investigate water pollution conditions and to recommend legislative and administrative action. Some are still serving their States well in official capacities.

I believe it should be emphasized that much progress has been made in the last generation, at both local and State levels; we are proud of the progress and of the part our organization had in helping to bring it about. There is today a greater public awareness of the need for pollution abatement, prevention, and control than at any previous time.

Yet, great as that awareness is, we are convinced that the needed degree of action cannot be achieved without effective Federal law and enforcement.

We are growing incredibly fast, both in population and industrialization. As you know, watercourses know nothing about manmade boundaries. A downstream State may be performing admirably in cleaning up its wastes, yet be helpless against pollution sent upon it by an upstream neighbor.

More than 50 streams run along our State boundaries. Hundreds of them flow from one State into another, and some of our larger rivers border or cross many States between their headwaters and the sea. The Izaak Walton League therefore holds that it is right that we should have Federal water pollution control to backstop and supplement State law.

We have contended for years that such law should have certain minimum provisions. These are as follows:

The Federal Government should have the authority to step in and enforce action when or if the States cannot or will not do it.

Grants or loans may be provided if that is the wish of Congress, but compliance with abatement and control orders should not be conditioned upon the availability of such grants or loans.

It should be the responsibility of industry to find and apply ways and means of treating its wastes, and the cost of such research and treatment is a proper part of the cost of production of the commodities sold by industry. We are now of the opinion that this provision may be modified to allow Federal research, in partnership with industry, in connection with wastes created by the development and use of atomic energy.

The record will show that most of us in the League were not too happy with the Federal law, Public Law 845, enacted in 1948, because it did not contain these provisions.

The Public Health Service was given virtually no enforcement authority, except the indirect power that might be developed through public hearings on specific pollution cases. And the Service almost had to have an invitation from an affected State before it could hold a public hearing. Its right to act on its own initiative was severely restricted.

We were skeptical of the ability of anybody to function effectively under that kind of statute. It looked like the Public Health Service had been told to go to bat in a ballgame with a feather duster instead of a stout piece of hickory. After some sober soul-searching, we came

to the conclusion that the new law should be given every chance to succeed; that the league should rally to the support of the authorities charged with such a difficult task in every feasible way, and the record will show that we have done so.

The Service has had its critics, but the league is disposed to attribute shortcomings much more to weaknesses of the law than to weaknesses of Federal pollution control personnel. We have about as much pollution in this country now as we had in 1948, when the law was enacted, but before we turn on the control agency, let us be honest and admit that while we may have told it to put on a policeman's uniform, we gave it a kindergarten teacher's equipment and rule book.

I hope I have made it clear that we still are not happy, but that this is due to the law we have and not the people asked to carry out the limited operations permitted under the law.

Indeed, we believe the Public Health Service is to be commended highly for its accomplishments under the circumstances. Mr. Chairman, permit me to express here, before this committee, our long admiration for Carl Schwob and the ingenuity and devotion he gave to pollution control effort, as the director of this activity for the Public Health Service until his recent retirement.

Under Mr. Schwob's leadership there was set up a nationwide technical task committee that has our hearty admiration. Limited largely to education efforts, the Service employed educational techniques; since it could not demand, it set out to enlighten and encourage.

The Technical Task Committee was an educational device, and the work of the committee, consisting of representatives of industry and cutting across most industrial lines, exchanging information on abatement techniques and approaches, has had a large influence on the reduction of industrial pollution.

In fact, it appears that industry, on the whole, has in recent years taken a quite enlightened view of its responsibilities in this respect, and has perhaps made more progress than our polluting municipalities. For, in spite of the splendid steps taken by some cities—such as New York, Philadelphia, Pittsburgh, Cincinnati, Louisville, and a few others—the pace of municipal pollution abatement is still far too slow. Not that I am praising all industry; some companies have still got a long way to go.

And it seems the builders of new plants are more willing to plan at the start for waste treatment than are the operators of older factories to add treatment facilities—which brings me to one of the more important portions of this testimony.

I refer to available supplies of usable water for human needs, and to the limitations upon our economic growth imposed by water pollution. Studies show that we are using more water per person than ever before in our history, and that the rate of use is increasing faster than our population.

We are an ingenious people, yet we have not been able to increase our basic water supply, despite progress being made on "rain making" and converting salt water into fresh. As a matter of fact, we know astonishingly little about our water resources. Too many of us are still taking water for granted, exercising a blind faith that it will always run and run clean when we turn on the spigot.

At the Mid-Century Conference on Resources for the Future, held here in Washington in December 1953, more than 200 persons with

long and varied experience in water matters, struggled with the subject for 3 days. The chairman of the section on water problems was Dr. Gilbert White, president of Haverford College, in Pennsylvania, who then reported:

But we cannot offer a simple—or even a complicated—answer to the question of whether there will be enough water, of the right quality, in the right place, when it is needed * * * There is not enough evidence to say accurately how much dependable water supply is available in many of our stream basins and underground aquifers. No one knows from the scattered statistics at hand how much water actually is being used. Estimates of how much water we shall need are rough at best.

In the record of that conference may be found a statement by an Izaak Walton League delegate, predicting that the economy of a good many of our river valleys will be limited, and ultimately determined, by the degree of water pollution control we exercise there. The Mahoning, the Merrimack, the Mohawk and Hudson, the Kanawha, the Monongahela, and other river valleys with which you are familiar, give mute testimony today to the validity of that forecast.

It is common knowledge that when an industrialist looks around to select a location for a new plant, the first question he asks is whether enough clean water is available for his factory processes. An official of General Motors told a league convention at Tulsa, in 1952, that his concern now considers water its most important single raw material.

I would like to predict something else at this point: It is that the time is not far distant when industrial managers will demand that cities treat their wastes before they will agree to build new plants blow the sewer outlets of those cities.

In very recent years another important development has come upon the scene that makes it imperative that we get about the business of exercising greater control over water pollution. I refer to the eastward sweep of western doctrines of state water law. These are the doctrines of beneficial water use, of appropriation and diversion of water for such use.

Today, we are told, 26 of the 31 States east of the Rockies are giving serious thought to the enactment of water appropriation laws. The Indiana Legislature passed a law earlier this year putting surface waters partly under such doctrines.

Bills providing for more comprehensive control have been considered this year by the legislatures of Arkansas, North Carolina, and South Carolina to my knowledge.

In Iowa, Missouri, Mississippi, Georgia, Virginia, and other States with whose work I am not as fully familiar, official boards are being considered, or are already operating, under legislative instructions to produce recommendations for new laws stemming from western doctrines.

I think it is true that better water management laws are needed in our Eastern States, and that it is inevitable that such laws will be enacted. Every human activity today involves increased use of water, and points to the need for improved control. But what I have said also points inevitably to the need for improved prevention and abatement of water pollution.

Yet nowhere, in the State water bills that I have read, have I found language giving recognition to the aggravation of pollution conditions that can result from increased water diversion.

When these water appropriation laws are enacted, you can bet on it that water users—farmers, municipalities, and industries—will start a regular “gold rush” sort of stampede to the county court houses to file claims to the water they think they can put to statutory beneficial uses.

If western procedures prevail, they will have to prove that they are using the water beneficially and are entitled to perpetuate their claim to it. It does not take much imagination to picture what can happen in the valley of a polluted stream. The cleaner upstream waters could be diverted to a point where the remaining downstream flow would be intolerably polluted, since the contamination there would be additionally concentrated.

Epidemics of disease are an important potential, but only one potential. State courts can have their dockets snarled for years over water litigation. It matters little to a downstream farmer how valid a claim he may have to irrigation water, if the water to which he is entitled under law is unusable by reason of pollution.

Senator CASE. Mr. Chairman, I think it might be of interest in connection with the hearings on this bill to note that when this subcommittee started its hearings, we had a general statement from the Chief of Engineers, Gen. Samuel D. Sturgis.

He made the statement at that time that the use of water had increased in this country 4 times in the last 50 years. I think the chairman of the subcommittee noted that the population had increased by twice, but in any event the total demands for water had increased by four times.

Mr. VOIGHT. That is substantiated, I believe, sir, by information in the report of the Paley Commission.

The situation might not appear too bleak to us if there was reason to believe we will have an appreciable and adequate increase in State water pollution control activity. Unfortunately, this does not seem likely. About the best we can hope for is that the States will continue working at their present pace. Even in States where there is a desire on the parts of the officials to work effectively and well, many are hampered by statutory limitations on the salaries they can pay their technicians and we are informed that in some places industries are hiring away State sanitary engineers at up to twice the top salaries allowed by law. Substantial improvement in this condition is not in sight.

Thus, for all the reasons I have indicated in this statement, it appears that we must look for adequate relief from water pollution through strengthened Federal law.

I have examined the proposed legislation before you today, S. 890, and have had advice regarding its contents from the League's Water Pollution Control Committee, of which an Oregon chemist, Dr. David B. Charlton of Portland, is chairman.

We believe that S. 890 is an improvement over Public Law 845. We would like to see S. 890 strengthened by some amendment, and we earnestly solicit your favorable consideration to two changes, both of which would be made in section 8, relating to enforcement.

Section 8 (c) prescribes the procedure for appointing boards for public hearings. We believe the formula for appointments should be made more specific, tighter, less variable.

We would like to see the present language replaced by statutory provision for specific categories of membership on such boards. We do not presume to say what the language shall be, or what officials or others should constitute the boards, but we do prefer that the boards be appointed by statute rather than by people.

Our second recommendation has to do with section 8 (d). At present it contains permissive instruction to bring about prosecution of defiant polluters. We believe the instruction should be mandatory, and that the word "may" in this section should be changed to "shall."

We have no set opinion with respect to standards for water. If it is done we do believe, by whoever it may be done, that there should be provision to assure that water shall not be downgraded, that any change in specifications, standards, or criteria, or whatever you call it, shall be an upgrading, rather than downgrading.

In other respects the bill is acceptable to us. We hope you will agree to the amendments we propose, and report the bill favorably.

Mr. Chairman, at the time the Congress was considering the so-called Mundt-Myers bills in 1945, the league sent a questionnaire to the States asking information on water pollution. In 1953 we sent out similar inquiries. Most of the States responded. We have the questions and answers in tabulated form, with some explanatory footnotes.

I do not wish to read these rather lengthy documents to you, but I believe the committee and the other Members of the Congress will find them quite illuminating in indicating the progress, or lack of progress, being made in the States.

Perhaps the committee has noted what might almost be called a flagrant omission for this statement, considering the name of the organization presenting it. I refer, of course, to the adverse effect of pollution upon fish and other aquatic life. The omission was intentional.

I wanted the committee to recognize the Izaak Walton League of America, not as a fishing club, but as a broad gage natural resource conservation organization, concerned here with the bigger question of the impacts of water pollution upon our entire way of living.

I had another reason for omitting the fishes from my statement. I considered it unnecessary. I have the sure knowledge that if we treat the waters of America the way they must be treated, for the general well-being of our country, the fishes will do all right, too. Mother Nature will see to it that they will come along in desired numbers, as a welcome byproduct of the commonsense treatment of a priceless basic resource.

Senator CASE. Mr. Chairman, I have given a quick examination of the two tables. It seems to me they are very valuable for information purposes and particularly on a comparative basis. I suggest they be incorporated into the record.

Senator HRUSKA. Without objection it is so ordered.

(The above-mentioned documents are as follows:)

Status of pollution in the United States, as of May 1953

State	Laws— Adequate?	Sewage treat- ment		Industrial— Treated?	Trend— Up? Down?	Funds
		Com- plete	Partial			
		<i>Percent</i>	<i>Percent</i>			
Alaska ¹	Yes—1949	None		None	Up	None.
Alabama ²	Workable—1949	9	31	No estimate	Cities down	\$20,000, 1953.
Arizona ³						\$2,500.
Arkansas ⁴	Yes—1949	10	25	5 percent	No figures	None.
California ⁵	do	54	36	No figures	do	\$588,000.
Colorado ⁶	No		54	No estimate	No estimate	\$25,000.
Connecticut ⁷	Yes—1925	10	80	25 percent	Down	\$84,000.
Delaware ⁸	Yes—recent	4	2.5	No estimate	Up	\$25,000.
Florida ⁹	Not fully	17.6	39.4	No figures	do	\$50,000.
Georgia ¹⁰	Adequate	75		do	No figures	\$21,852.
Idaho ¹¹	No	33	5	do	Cities down	\$9,285.
Illin ¹²	Almost	78	14.4	94.71 percent	No big change	\$109,250.
Indiana ¹³	Yes—10 years	94	6	65 percent	Down	\$86,000.
Iowa ¹⁴	Partly—1949	53	7	60 percent	do	\$28,000.
Kansas ¹⁵	Yes—1935	50	30	No figures	Cities down	\$56,000.
Kentucky ¹⁶	Yes—1950	10.8	15.7	27 percent	No figures	\$61,500, fiscal year 1954.
Louisiana ¹⁷	Yes—1948 and 1952.	No figures		No figures	Down	\$70,000.
Maine ¹⁸	No		4	Negligible	Up	\$25,800.
Maryland ¹⁹	Yes—1947	85		50 percent	Cities up	\$63,175.
Massachusetts ²⁰	Yes—1951	42.7		No figures	Down	\$92,000.
Michigan ²¹	Yes—1949	15.7	77.7	do	Cities down	\$148,000.
Minnesota ²²	Reasonably	22	60	60 percent	Down	\$92,250.
Mississippi ²³	No	20	18	No figures	Cities down	\$22,350.
Missouri ²⁴	do	10	10	See note	Down	No note. (see note).
Montana ²⁵	Partly	2	22	No figures	do	\$12,500.
Nebraska ²⁶	No	55	7.5	do	See note	\$6,375.
Nevada ²⁷	Yes—1937	54	27	100 percent	Down	No note. (see note).
New Hampshire ²⁸	Yes—1947	No figures		No figures	do	\$47,250.
New Jersey ²⁹	Yes—many years.	80		Substantial	Making progress.	\$60,850.
New Mexico ³⁰	Yes—1937	85	8	100 percent	Cities down	\$8,675.
New York ³¹	Yes—see note	75		No figures	No figures	\$60,000.
North Carolina ³²	Yes—1951	47	17	Undetermined.	Cities down	\$73,000.
North Dakota ³³	Yes—1953	30	40	30 percent	do	\$15,000.
Ohio ³⁴	Yes—1951	See note		No figures	No figures	\$300,000.
Oklahoma ³⁵	See note	75.1	15.1	do	Cities down	\$15,375.
Oregon ³⁶	Yes—1938	17.5	22.7	52.7 percent	Down	\$36,100.
Pennsylvania ³⁷	Yes—1945	29	11	61 percent	do	\$60,500.
Rhode Island ³⁸	Yes—1950	66	14	No figures	See note	\$22,500.
South Carolina ³⁹	Yes—1951	10	10	5 percent	do	\$22,300.
South Dakota ⁴⁰	Yes—1947	60	35	100 percent	Down	\$10,150.
Tennessee ⁴¹	Yes	No estimate		No estimate	See note	\$61,200.
Texas ⁴²	Yes—1943	70		do	Up	\$28,225.
Utah ⁴³	See note	1	29	30 percent	do	\$10,800.
Vermont	No reply to our inquiry.					
Virginia ⁴⁴	Yes—1946	22.2	16.1	See note	Down	\$54,200.
Washington ⁴⁵	Yes—1945	39		No figures	do	\$118,700.
West Virginia ⁴⁶	See note	5.4	5.2	do	See note	\$39,500.
Wisconsin ⁴⁷	Yes—1949	58.3	30.6	do	do	\$81,200, 1954.
Wyoming ⁴⁸	Yes—see note	23	10	25 percent	Down	\$11,500.
District of Columbia	Yes—1899		100	10 percent	See note	See note.

¹ Placer mines exempt from law; some military areas treat sewage; factory wastes getting worse; no money had been appropriated for control up to Mar. 27, 1953.

² Lost laboratory facilities when Congress failed to appropriate grants under Public Law 845 for 1953; law weak.

³ Not a problem State; water scarce and precious; funds available earmarked by health people; nothing direct.

⁴ Legislature refused to appropriate enforcement funds; city wastes down slightly, industrial up.

⁵ Complex regional system; works well under good leadership; good sewage plant operation a problem; now installing industrial treatment record system; plants installed in 3 years; 156 towns, 86 industries, 27 institutions.

⁶ Little complete sewage treatment; funds available from United States sources; enforcement seems weak.

⁷ Funds figures from United States sources; percentage figures approximate; treatment 10 years ago: City 60 percent, factory 15 percent.

⁸ Wilmington area, now being cleaned up, expected to raise primary treatment to 85 percent; some weak enforcement spots.

⁹ Some factories recover byproducts, some have treatment plants; sewage plants tripled in decade, but net gain in pollution due population rise; factory waste increased due mainly citrus concentrate industry growth.

- ¹⁰ Specific law needed; many cities and factories still offenders, older factories in particular.
- ¹¹ No comprehensive law; no control on industry; bill killed in 1953 legislature; funds figures from United States sources.
- ¹² Law excludes oil and gas wastes; main task now is to keep pace with population and factory growth; many old plants.
- ¹³ Some sewage plants inadequate, old; some operation inadequate; city sewage down 15 percent, industrial 40 percent in decade; personnel problem acute, due low salaries; fund figures from United States sources.
- ¹⁴ Law has weak spots, as to existing sewers; border rivers get much raw waste; low salaries seem a factor.
- ¹⁵ About 110 sewage plants or improvements built in decade; oil wastes put back in ground; organic wastes increased.
- ¹⁶ Considerable improvement underway; 27 percent figure is for plants, not volumes; factory wastes appear down, cities same.
- ¹⁷ Much sewage goes raw into Mississippi; main industry problem is cane-sugar mills; authority divided.
- ¹⁸ Only 1 percent of sewage given "adequate" treatment. Had fair bills in 1953 legislature; results not now known.
- ¹⁹ Divided authority; factory wastes down 40 percent in 5 years; control board adequately staffed only 3 years.
- ²⁰ Plants for 32.3 percent of sewerage population being planned; industrial situation seems bad.
- ²¹ Strong personality a favorable factor; industrial waste treatment seems on increase; some divided authority.
- ²² Good setup; hard to keep good help account low pay; no figures as to pollution reduction, but trend is down.
- ²³ Divided control; some streams exempt from treatment; State program to attract industry is increasing factory wastes.
- ²⁴ Law cumbersome; bill in 1953 legislature, no word on result; 82 percent of factory wastes treated to protect public health, no information as to aquatic life; 50 percent of sewage considered treated "by dilution" United States sources say \$30,000 in funds.
- ²⁵ Law adequate only as to public health; bill killed by 1953 legislature would have helped control pollution.
- ²⁶ Bad bill in 1953 legislature was killed; cannot now do preventive work; facts supplied as to trends industrial pollution reduction but are not clear; low appropriations seem to speak for themselves.
- ²⁷ Some sums allocated by health department; water scarcity is critical problem, tends to stimulate treatment.
- ²⁸ Cannot abate pollution to upgrade stream classification; only 8 adequately maintained and operated sewage plants; only reason given for reduction in factory wastes was that industry has been moving away from State.
- ²⁹ Basic law in 1899; funds from United States sources; brightest spot is Raritan Basin; note vagueness of reply.
- ³⁰ Water supply low (similar to Arizona and Nevada); "all harmful wastes kept out of streams;" have oil, mining problems.
- ³¹ Big "if" is whether authorities will get money, men needed; note relatively low funds, considering huge population and industrialization; adequate program seems years in future; New York City treatment program progressing.
- ³² Success seems in prospect if industry cooperates and enforcement is vigorous.
- ³³ Factory wastes are on increase; 22 towns have no treatment plants.
- ³⁴ Law not fully proved yet; 20 percent of sewage gets adequate treatment, 50 percent inadequate; net rise or decline in city and industrial pollution not clearly determinable on basis present information; State has complex problems.
- ³⁵ Reply says 1917 law is "considered adequate"; industrial pollution is increasing; authority divided, pay poor.
- ³⁶ Another bright spot; expect adequate sewage treatment of 93.8 percent of population by 1955, and adequate industrial treatment of 90 percent by same date; downward trend rapid; evidence: Salmon have returned to the Willamette River.
- ³⁷ Pittsburgh area now moving toward sewage treatment; 21 percent more of industrial wastes to be treated soon; no figures given as to rate of cleanup trends; funds from United States sources; attitude of elected officials is important factor.
- ³⁸ "Large unmeasured volumes" of industrial waste go into sewage plants; city pollution rising, due population growth and aging of plants; industrial trend down.
- ³⁹ Rise in industrial pollution is significant; reflects general southern hunger for industrial payrolls; resources suffer.
- ⁴⁰ 100 percent of industries treat own wastes; rest tied to sewage plants; some plants obsolescent; low pay scale.
- ⁴¹ No statistical data assembled since 1944; State believes "progress is being made."
- ⁴² Law weak as to oilfield brine; 183 of 624 sewage plants overloaded; funds very low for such a big State.
- ⁴³ Fairly good bill in 1953 legislature; fate unknown; fund figures from United States sources; note they are very low.
- ⁴⁴ Law amended 1948 and 1952; 74 percent of industries have reduced pollution; law good as to new pollution, weakest in allowing old industries to continue to pollute under permit; strong personalities help situation.
- ⁴⁵ Another bright spot in Nation; attacking problem by watersheds; officials say "any law must have popular support;" industrial wastes down 50 percent, but still much to do; note relatively high State appropriations.
- ⁴⁶ Fair new law enacted in 1953; State says city pollution down, industrial up; despite some bright spots, State probably has further to go than any other in Nation; coal-mine pollution a terrific problem; time needed.
- ⁴⁷ Another bright spot; vigorous enforcement; surveying industrial locations; working hard; getting results.
- ⁴⁸ State says law is good but enforcement "impractical;" all State institutions treat wastes; funds from United States sources.
- ⁴⁹ Sewage disposal inadequate due 21 percent load increase; industrial wastes unchanged in decade; funds termed adequate now.

Status of pollution in the United States, as of August 1945

State	Laws—adequate and inadequate	Sewage treatment *		Industrial—treated and untreated	Increase—decrease
		Complete	Partial		
		<i>Percent</i>	<i>Percent</i>		
Alabama ¹		10.3	59.4	No data supplied	No data supplied.
Arizona ²	Since 1945	No data supplied		None	Condition statie.
Arkansas ³	Since 1941	9.0	53.0	No data supplied	No data supplied.
California		10.0	56.0	80 percent	Increased.
Colorado ⁴		6.0	80.0	None	Decreased.
Connecticut ⁵		(?)	51.0	No data supplied	Do.
Delaware ⁶		9.9	7.0	2 percent	Do.
District of Columbia			100.0	100 percent	Condition statie.
Florida ⁷		85.0	15.0	No data supplied	Decreased.
Georgia ⁸		90.0	10.0	90 percent	Increased.
Idaho ⁹		No data supplied		No data supplied	Do.
Illinois		Reply to questionnaire not yet received			
Indiana ¹⁰		56.2	3.5	50 percent	Decreased.
Iowa ¹¹		62.2	7.4	70 percent	Do.
Kansas		37.0	24.0	65 percent	Do.
Kentucky ¹²		No data supplied		No figures given	Do.
Louisiana ¹³		No figures given		do	No data supplied.
Maine		1.0	2.0	2 percent	Increased.
Maryland ¹⁴		25.0	60.0	80 percent	Decreased.
Massachusetts ¹⁵	Since July 1945	17.0	6.0	No data supplied	Increased.
Michigan ¹⁶			86.0	do	Increase since 1941.
Minnesota		Reply to questionnaire not yet received			
Mississippi ¹⁷		(?)	15.0	20 percent	Decreased.
Missouri ¹⁸		14.0	9.0	Very little	Do.
Montana		No data supplied		No data supplied	Increased.
Nebraska ¹⁹		74.0	26.0	80 percent	Increasing slowly.
Nevada ²⁰		None	35.0	Very little	Increased.
New Hampshire ²¹		4.0	13.0	Practically none	Slight decrease.
New Jersey ²²		23.6	45.9	No data supplied	Increased.
New Mexico ²³	No data supplied	No figures given		do	No data supplied.
New York ²⁴		26.0	29.0	do	Decreased.
North Carolina		48.6	17.4	60 percent to 75 percent.	Do.
North Dakota	Since 1939	10.0	80.0	20 percent	Condition statie.
Ohio ²⁵	Since 1925	46.0	19.0	No data supplied	Increased.
Oklahoma		No data supplied		90 percent (probably).	Decreased.
Oregon ²⁶			21.5	No figures given	Do.
Pennsylvania ²⁷		No answer to questionnaire received			
Rhode Island		79	7	10 percent	Do.
South Carolina ²⁸		No data supplied		No data supplied	Do.
South Dakota		62	17	About 95 percent	Do.
Tennessee ²⁹	Since 1945	6	11	Data inadequate	Increased.
Texas ³⁰	Since 1943		65	75 to 80 percent	Increased 10 fold.
Utah ³¹		Data inadequate		None	Greatly increased.
Vermont ³²		Do.		Very little	Increased.
Virginia ³³		No data supplied		5.5 percent	60 percent increase.
Washington ³⁴	Since 1945	Data inadequate		Data inadequate	Increased.
West Virginia ³⁵		5	6	do	Do.
Wisconsin ³⁶			61.2	do	Decreased.
Wyoming		5	15	2 percent	Condition statie.

*Refers only to "sewered population."

¹ "At * * * present time we do not have laws governing the control of stream pollution."

² Trouble expended from old mining dumps in watersheds, and from sawmills.

³ Immediate problem is of industrial plants and oil production stepped up during war.

⁴ Many polluting mines closed during war; these are now being reopened.

⁵ "68 percent of population is sewerred; of this, about 75 percent has some degree of treatment." No reason for decreases supplied.

⁶ Much of State's pollution centered in Wilmington; no basis given for reporting decrease.

⁷ "Florida is not an industrial State."

⁸ " * * * information as nearly accurate as can furnish from available data."

⁹ Statewide survey has been started to determine actual conditions.

¹⁰ Basis for reporting decrease not given: sewage from 30,740 nonurban population gets some treatment.

¹¹ Most of decrease from 1933 to 1941, when 125 disposal plants were built; much ground lost since 1941.

¹² Several distillers in recent years installed equipment to reduce this type of industrial pollution.

¹³ Most major cities depend on dilution afforded by large streams such as Red and Mississippi for "safety" from pollution disturbances. "Willingness of industry to cooperate [now] more evident." Many pollution problems of varied character recognized by State.

¹⁴ Relatively isolated sore spots; most flagrant offenders are city of Cumberland, mines, and Baltimore County.

¹⁵ Effluent from 77 percent of sewerred population discharged into larger inland streams or tidal waters. Wartime increase.

¹⁶ State did not differentiate between complete and partial sewage treatment; new and worsened old problems in war.

¹⁷ Laws deemed "almost" adequate; strengthened in 1945. "Very little" sewage given complete treatment.

¹⁵ Additional 64 percent of sewerage population discharges into "large streams"; same as to much industrial pollution.

¹⁹ State reports 37 municipalities need sewage disposal works.

²⁰ State reports sewage disposal nonexistent but "no problem" in remote areas.

²¹ State reports opposition successfully blocked introduction of adequate antipollution bill in last legislature.

²² Passaic Valley not included, as under separate control; pollution decreasing prior to war, but sharply up then.

²³ State comments that pollution problem "so far as fishing waters are concerned" is of relatively little importance.

²⁴ Reference to decrease in pollution is as to sewage only; law deemed adequate only as to public health.

²⁵ State has noted increase only since war in industrial pollution.

²⁶ War blamed for failure to make 1939 law effective; "no individual industrial plant in State provides special treatment works for disposal of trade wastes."

²⁷ It is known Pennsylvania Legislature in 1945 passed amendment to clean streams law; deemed adequate.

²⁸ Partial data noted above from game and fish department; no response from board of health.

²⁹ State says much time will be required to abate pollution under even the newly enacted law; problems recognized.

³⁰ Law considered "not perfect but fairly workable"; 65 percent sewage figure includes both complete and partial.

³¹ State reports Utah cities have been lax about making plans for disposal systems.

³² There are only 2 sewage disposal plants in Vermont.

³³ Public health statistics missing; "teeth in our pollution law loose in the gums and we refrain from biting too hard."

³⁴ State says 39 percent of treated sewerage gets complete treatment, 69 percent partial, but doesn't indicate percentage of population served by sewage systems; notes pulp liquor discharged in Washington waters has oxygen demand equal to sewerage wastes of 10 million population. State has held sewage pollution at least static; industrial is up.

³⁵ Difficult to estimate industrial pollution percentages because of coal-mine drainage.

³⁶ 52 percent of sewerage population receives complete sewage treatment, remainder partial; 61.2 percent figure shown above is percentage of total population served by treatment plants of one sort or another; decrease is exclusive of war industries.

Mr. VOIGT. That concludes my testimony, Mr. Chairman.

Senator HRUSKA. Thank you very much for the statement. Senator Case, have you any further questions?

Senator CASE. No; I have no questions.

Senator HRUSKA. Senator Kuchel?

Senator KUCHEL. No, sir.

Senator HRUSKA. Thank you very much for being here.

(Letter from Izaak Walton League of America follows:)

THE IZAAK WALTON LEAGUE OF AMERICA, INC.,
Chicago, Ill., May 3, 1955.

Hon. ROBERT S. KERR,
Senate Office Building, Washington, D. C.

DEAR SENATOR KERR: I will appreciate your adding this letter as a supplement to my statement before your Public Works Subcommittee relative to S. 890, the bill to extend and strengthen the Federal water pollution control law, and make this letter a part of the official record.

Some of the witnesses before your subcommittee objected to Federal intervention in water pollution instances without prior consent of the State of origin of the pollution. We are somewhat at a loss to understand this viewpoint in view of its source. Witnesses who advocated that prior consent be mandatory were from Ohio, Michigan, and California.

We have a high admiration for the officials of these States. They are moving effectively toward improving the water pollution situation in their respective States. The possibility that the United States Public Health Service would have reason to enter those States in a pollution abatement action appears to us to be extremely remote.

We consider it significant that witnesses did not appear before your subcommittee from States with very weak or no water pollution control authority, where the United States Public Health Service might reasonably have occasion to take official action.

Under the circumstances we are of the opinion that the fears of the States represented in the testimony I have referred to are completely unfounded.

Sincerely yours,

WILLIAM VOIGT, Jr.,
Executive Director.

Senator KUCHEL. The next witness is Mr. Charles H. Callison of the National Wildlife Federation.

**STATEMENT OF CHARLES H. CALLISON, CONSERVATION DIRECTOR,
NATIONAL WILDLIFE FEDERATION**

Mr. CALLISON. Mr. Chairman and gentlemen of the committee, my name is Charles H. Callison, and I am conservation director of the National Wildlife Federation, which has offices in Washington, D. C.

The National Wildlife Federation is composed of State wildlife federations and sportsmen's leagues in 47 States, the District of Columbia, and the Territory of Alaska.

These State organizations and their affiliated local clubs represent some 3 million members, making the federation the largest conservation organization in the United States.

They are representative further of the more than 30 million citizens who buy hunting and fishing licenses annually, as well as many other millions who do not hunt or fish but yet depend upon clean waters in the out-of-doors for the recreation that keeps them healthy in mind and body.

Mr. Chairman, the hunters and fishermen of America have long been noted for their crusading and constructive interest in water pollution abatement. More than any other segment of our citizenry, they have worked and fought for clean waters upon which the health and economic welfare of every citizen depends.

There are several good reasons why hunters and fishermen are so keenly interested in the problem before this subcommittee. In the first place, the sportsman naturally tends to become a conservationist. He soon learns that his own sport depends upon fertile lands and clean waters.

Secondly, the sportsman gets out on the streams and lakes and along the shorelines more than the rest of the population. He gets out where he can see and smell the pollution.

Thirdly, the typical sportsman is especially endowed with the kind of energy and enterprise that makes this Nation great. He isn't the kind to sit idly by and say nothing when there is a mess that needs cleaning up.

Mr. Chairman, if the organized sportsmen of America are convinced of a single fact with respect to water pollution, it is that the whole abatement program needs a drastic shot in the arm. We think it needs speeding up manyfold over its present halting pace.

I am sure I do not need to repeat the alarming evidence because the figures and charts already have been presented to you. You know about the population trends: 200 million Americans expected to be needing and using water for a variety of vital purposes by 1975; the prodigious and growing demand of our new technologies and new industries for water; the increasing need for irrigation—and all of these facts set against the harsh reality that our water resources are not increasing, a reality brought shockingly home by water shortages in recent years. Water shortages are not a passing phenomenon, gentlemen. I'm afraid they are here to stay.

You gentlemen know these facts: They are the same facts that have convinced the conservation-minded sportsmen of America that our present pollution-control programs—State and Federal—are like trying to fight a forest fire with a flit gun.

Some States have made a lot of progress compared to their neighbors; but not a single State—if it is looking the facts honestly in the

face—can claim to be doing the job that must be done to lick the pollution menace.

The National Wildlife Federation agrees with the philosophy of the 1948 Water Pollution Control Act, a philosophy that is reaffirmed in S. 890, the bill before you. We believe the pollutor—whether he be private citizen flushing his water chamber, or government institution, or industry—must pay for controlling his own effluent.

We believe that the consumer must expect to pay slightly more for the manufactured product in order to protect the water upon which both the industry and his own personal welfare depend. We believe the public business of enforcing abatement and control is primarily a job for the States.

But we believe also, as did the Congress in passing the Taft-Barkley Act of 1948, that the Federal Government has both a stake and a responsibility in water pollution control. It is the same responsibility which for generations has dictated the Federal programs for the conservation and development of our great river basins. And we believe that abatement of pollution in interstate waters is peculiarly a task for the Federal Government in cases where the States cannot or will not do the job.

The National Wildlife Federation does not wish to see any provision of Federal law enacted that would handicap or retard the several States in their own pollution control programs. Spokesmen for a few States have raised, or will raise, that question with respect to certain provisions of S. 890.

We do not necessarily share their fears about S. 890, but we do recommend that this subcommittee, in its wisdom and with the best legal counsel available to it, examine that question very carefully. We believe that, if needed, corrective amendments can be written that will safeguard the legal position of the States without jeopardizing the important objectives of S. 890; namely, to extend and strengthen the present Federal law, to increase the volume and efficiency of research, to meet more adequately the Federal share of the cost of pollution clean-up, to provide Federal incentives for the strengthening of State laws and programs, and to streamline the procedures in cases where it is necessary for the Federal Government to move against the pollutors of interstate waters.

I should like to repeat, Mr. Chairman, that the goal of the National Wildlife Federation is to speed up the work. We want to see the laws improved and realistic appropriations made available for pollution abatement in every State. We like S. 890 because one of its main purposes is the stimulation of better State programs and better State laws.

At this point in the record, Mr. Chairman, with your permission, I should like to insert a copy of a resolution adopted by the National Wildlife Federation at its recent annual convention held last March 11–13 at Montreal, Quebec.

I should like also, with your permission, to place in the record at this point our analysis of S. 890 and our section-by-section comparison of the bill with existing law, showing how the law would be revised.

Senator KUCHEL. Without objection, that will be placed in the record at the end of your remarks.

Mr. CALLISON. As indicated in the Montreal resolution, the federation does not believe the enforcement provisions of Public Law 845 are adequate. Evidently this view is shared by Members of Congress. I should like to call attention to House Report 228, reporting on the Public Health Service appropriations in this session. On page 11 under caption "Sanitary Engineering Activities" for fiscal year 1956, the committee stated:

The major item disallowed was a request for an increase of \$145,000 for enforcement of the Water Pollution Control Act. The committee would have looked with favor on such a request were it not for the fact that the act is, in the final analysis, almost unenforceable.

On this same page in explaining the elimination of a request for grants to States for water pollution control, the committee stated that it was impressed with the need of enforceable legislation in this field and would be ready to review such a program and the need for funds when such legislation was provided.

It is of interest that the late Senator Taft in his testimony on Public Law 845 in 1948 stated that:

The general theory has been that pollution control would be effected by the States through their own laws and through their own controls. But, as I say, there are cases where the Federal Government comes into it: there are cases where a State may not comply with its general obligations or do a good job. * * * But there may be cases in which States do not take the action they should simply because it doesn't happen to be of particular interest to the citizens of that State. Therefore, I think we have a clear case for Federal interference.

From a constitutional standpoint, as far as the Ohio River itself is concerned, there isn't any question about the Federal Government's interest. There is a constitutional question as to how far the Federal Government is interested in the pollution of upper branches of the Ohio which are entirely within one State. * * *

Whereas the federation would prefer legislation authorizing a more active role by the Federal Government in enforcement, we are agreeable to giving S. 890 a trial, reserving our position as to its adequacy in this respect after observing its effectiveness in operation.

Now for the important purpose of speeding up the program, Mr. Chairman—of getting more sewage treatment plants constructed—we should like to recommend an amendment to S. 890 to provide for incentive grants and loans.

The amendment would insert the following language in S. 890 as section 6, and change the numbers of presently numbered section 6 to section 7, and change the numbers of following sections accordingly:

SEC. 6. The Surgeon General of the Public Health Service is authorized to extend financial aid in the form of grants, loans, or both, to any State or municipality for the construction of necessary treatment works to prevent the discharge by such State or municipality of untreated or inadequately treated sewage or other wastes into the surface or underground waters in or adjacent to any State and for the preparation of its engineering reports, plans, and specifications in connection therewith. Such grants and loans shall be made upon such terms and conditions as the Surgeon General may prescribe, subject to the following limitations: (1) No Federal financial aid shall be made for any project unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Surgeon General and unless such project is included in a comprehensive program developed pursuant to this act; (2) no grant shall be made for any project in an amount exceeding 10 per centum of the estimated reasonable cost thereof as determined by the Surgeon General; (3) the total amount of Federal financial aid, including both loan and grant funds, shall not be made for any project in an amount exceeding 50 per centum of the esti-

minated reasonable cost thereof as determined by the Surgeon General; (4) all loans made under this section shall bear interest at a rate of 2 per centum per annum. Bonds or other obligations evidencing any such loan must be duly authorized and issued pursuant to applicable State, local, or other law, and may, as to the security thereof and the payment of principal thereof and interest thereon, be subordinated (to the extent deemed feasible and desirable by the Surgeon General for facilitating the financing of such projects) to other bonds or obligations of the obligator issued to finance such project or that may then be outstanding.

I should now like to discuss briefly, Mr. Chairman, the proposed amendment. In the absence of widespread enforcement financial aid as an incentive for construction is an effective Federal means to accelerate abatement progress. Financial aid is consistent with the limited exercise of Federal jurisdiction over the Nation's navigable waters, the Federal interest in pollution and its control, the widespread benefits accruing to health and welfare through abatement, and the policy of the Congress to assist the States in abating pollution. The public at large benefits from pollution abatement.

Federal assistance is a most practical method to secure reasonable balance in cost sharing by those contributing to pollution and those benefiting from its abatement. Water supply protected by adequate pollution control is one water-resource development not now subsidized by the Federal Government. As we have declared previously today, we believe that pollution abatement is equally in the national interest with other resource development and can meet established criteria of eligibility for Federal aid. There is need for accelerating the abatement progress, and the effectiveness of Federal grants in accomplishing this result has been well demonstrated.

The need for concentrated abatement effort is attested by the increase in magnitude and complexity of pollution for over one-half a century. A Federal financial incentive would be uniform throughout the country and would be an alternative to rigorous enforcement in effecting substantial progress in abatement of pollution.

Federal loans at 2 percent which could be subordinated to private loans would help bring down the cost of financing for cities experiencing high interest rates in the market. Thus competition for the city's tax dollar would no longer be more favorable to other more popular public works improvements.

In order that the desired rate of progress might be made, the States need strong support in their responsibility for pollution control. We believe they have not done well in the past and that they will not succeed in the future without Federal help. This water pollution problem should be attacked now rather than delayed until conditions become so bad that a popular cry will be heard for the Federal Government to buy the solution at tremendous expense.

Senator KUCHEL. At this point we will insert the documents previously mentioned.

(The above-mentioned documents are as follows:)

NATIONAL WILDLIFE FEDERATION.
232 Carroll Street NW., Washington 12, D. C.

19TH ANNUAL CONVENTION, MONTREAL, MARCH 11-13, 1955, RESOLUTION No. 5

RESOLUTION ON WATER POLLUTION CONTROL

Whereas the aim of the National Wildlife Federation is to bring about the conservation and wise use of the Nation's soils and minerals, forests, waters, and wildlife; and

Whereas pollution from sewage, industrial wastes, and soil erosion continues to affect seriously the Nation's water resources, public health, wildlife, and economic well-being; and

Whereas the goals of the National Wildlife Federation to bring about adequate and reasonable control of pollution include (1) satisfactory State pollution control laws, (2) adequate State appropriations to carry out these laws, (3) adequate community sewage treatment, (4) adequate waste prevention or treatment by industry, (5) prevention of silt pollution through soil conservation practices, and (6) adequate Federal legislation to provide for research, technical and financial assistance, and control of pollution on interstate waters; and

Whereas the Taft-Barkley Act, Public Law 845 of the 80th Congress, will expire on June 30, 1956; and

Whereas Senate bill 890, introduced by Senators Martin, Chavez, Duff, Knowland, and Kuchel, and H. R. 3426, introduced by Mr. Dondero, are identical bills aimed at extending and strengthening the Federal Water Pollution Control Act; it is hereby

Resolved, That the National Wildlife Federation endorse and recommend passage of S. 890 and H. R. 3426 after addition of the following three amendments:

(1) An amendment to provide for the Federal Government to assist in the cost of constructing municipal sewage treatment facilities as a part of the Federal responsibility for developing and conserving the Nation's water resources either by provision of low-interest Federal loans or incentive grants to municipalities for planning and construction of sewage treatment works;

(2) An amendment to provide for accelerated tax amortization benefits to be provided industry as a stimulant to the prevention or abatement of industrial waste pollution; and

(3) An amendment to provide for a more vigorous Federal enforcement program to prevent, control, and abate the pollution of interstate waters.

NATIONAL WILDLIFE FEDERATION,
232 Carroll Street NW., Washington 12, D. C.

ANALYSIS OF THE BILL TO EXTEND AND REVISE THE WATER POLLUTION CONTROL ACT

(By Charles H. Callison, conservation director)

S. 890 and the identical House bill, H. R. 3426, propose to reenact the basic philosophy and program first put into law when Congress passed the Taft-Barkley Water Pollution Control Act in 1948. New legislation is necessary because the Taft-Barkley Act (also known as Public Law 845 of the 80th Congress) will expire June 30, 1956.

The new bill, like the present law, is based on two major principles:

First, that pollution control within a State is the responsibility of that State. The first section of S. 890 declares it to be the policy of Congress "to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution, to support and aid technical research relating to the prevention and control of water pollution, and to provide Federal technical services and financial aid to State and interstate agencies in connection with the prevention and control of water pollution."

Second, that control and prevention of pollution in interstate waters is a task to be undertaken jointly by the States and Federal Government, but that in cases where the States cannot or will not act, the Federal Government should have the power to do so.

Here is a section-by-section comparison of the bill and the existing law, showing how the law would be revised:

Section 1: Essentially no change here, except to broaden the statement of purposes for which grants may be made to State pollution-control agencies. Under existing law such grants are confined to research relating to industrial pollution. The proposed revision would permit use of the money to develop a well-rounded State program.

Section 2: No important changes. This section authorizes the United States Surgeon General to cooperate with State agencies and with other Federal agencies in making investigations and surveys and preparing comprehensive plans and programs for reducing pollution. The words "wild life" are inserted among the purposes and values to be taken into consideration.

Section 3: This section grants the consent of Congress to interstate compacts for pollution control. It directs the Surgeon General to promote such compacts and to encourage the adoption of improved and, so far as practicable, uniform State laws for pollution control. No important changes from the old law.

Section 4: This section of the new bill authorizes (1) the publication and dissemination of information relating to pollution control; (2) grants-in-aid to public or private agencies, such as universities or private laboratories, for research; (3) use of outside experts and consultants; (4) research fellowships in the Public Health Service; (5) provision of technical training for personnel of public agencies and others with suitable qualifications. It also authorizes the Federal agency to conduct research on specific pollution problems when requested to do so by a State or interstate agency.

The significant change in this section is the expansion of research activities, especially through grants to outside agencies and through research fellowships.

Section 5: The new bill would eliminate the existing authorization for appropriation of \$22½ million annually for construction loans to States or municipalities for sewage-treatment works. This part of the program became a dead letter through failure of Congress to make such appropriation.

It would eliminate also the authorization of grants to States or interstate agencies for industrial-waste research. The old law places a ceiling of \$1 million annually on appropriations for this purpose, but for several years no such grant money has been appropriated.

It would eliminate also the Taft-Barkley authorization of \$1 million annually for grants to States, interstate agencies, and municipalities for engineering and planning costs. This is another part of the old law that Congress chose to ignore when it came to appropriations.

In place of the foregoing, section 5 of S. 890 would substitute authorization of \$2 million annually for grants to assist with the overall cost of approved State plans for pollution control. The \$2 million ceiling would apply in fiscal years 1956 and 1957, after which Congress would determine the amount annually.

The bill specifies that allotments to States be made on the basis of population, extent of the pollution problem and financial need. In order to receive funds under these allotments, States must match according to a formula which places the Federal share at not less than 33⅓ percent nor more than 66⅔ percent of the cost of the State program.

Section 6: This section of S. 890 reenacts, but enlarges somewhat, the Water Pollution Control Advisory Board. It eliminates the representative of the former Federal Works Agency and adds representatives of the Department of Commerce, the Atomic Energy Commission, the National Science Foundation, and the Federal Power Commission. It also increases the number of non-Federal members appointed by the President from 6 to 7. This would result in an advisory board of 15 members, compared to 11 at present. Of the citizen members appointed by the President, one would be an engineer expert in sewage and industrial-waste disposal, and one an expert in wildlife conservation. The other 5 may include persons representative of municipal government, State government, affected industry, recreation, and agriculture.

Section 7: This is a new section which has no equivalent in the present law. It would authorize the Surgeon General to request the appropriate State or interstate agencies to develop water-quality standards for interstate waters suitable for adoption by him. If nothing is accomplished within a reasonable time, the Surgeon General could prepare and publish such standards applicable to interstate waters "at the point or points where such waters flow across or form the boundary of two or more States." Regulations for setting water-quality standards would be worked out by the Public Health Service cooperatively with the States, interstate agencies, and other interested Federal agencies.

Once a standard were established for a given stretch of interstate water, pollution that reduced it below the standard could be declared a public nuisance subject to abatement under the enforced provision of the act, provided the affected State certified that the quality of the water is essential to its present and future water use.

Section 8: Enforcement procedures are streamlined to some extent in this section of the new bill. Existing law calls for the following steps in bringing Federal action against a pollutor of interstate waters: (1) a finding by the Surgeon General, based on investigations and surveys, that pollution exists; (2) first formal notice to the offender, copy to State authorities; (3) second notice to the offender, accompanied by a recommendation to State authorities

for action: (4) within a "reasonable time" after the second notice, a public hearing; (5) if the hearing board finds that pollution exists and the pollutor fails to correct the situation within a reasonable time, the Secretary may then ask the Attorney General to initiate court action against the pollutor, but only provided the State within which the pollution occurs gives its consent.

Most important changes are (1) elimination of the second notice and intervening "reasonable" period of time, and (2) elimination of the State veto power over Federal court action.

The new bill also would change the hearing board to include a representative of the State in which the pollution originates, as well as other non-Federal public members. The hearing board, rather than the Surgeon General, would be given authority for making a finding upon which subsequent abatement action would be based.

Sections 9, 10, 11, 12, and 13: These are routine sections, authorizing the Surgeon General to make such regulations as are needed to administer the act; authorizing the necessary appropriations; defining terms; making clear that certain other laws are not affected; providing "separability"—the principle that if one part of the law is held invalid, other parts will not be affected—and stating the short title. No important changes.

Senator KUCHEL. Thank you very much, Mr. Callison, for your contribution.

Mr. CALLISON. I thank you, Mr. Chairman, for the privilege of appearing before the subcommittee and expressing the views of the National Wildlife Federation.

Senator KUCHEL. Thank you.

The next witnesses are from the State of California. They are Mr. Vinton W. Bacon, of the California State Water Pollution Control Board, and Mr. Adolphus Moskovitz, deputy attorney general for California.

STATEMENT OF VINTON W. BACON, CALIFORNIA STATE WATER POLLUTION CONTROL BOARD, ACCOMPANIED BY ADOLPHUS MOSKOVITZ, DEPUTY ATTORNEY GENERAL FOR CALIFORNIA

Mr. BACON. Mr. Chairman and members of the committee, my name is Vinton W. Bacon, and I am executive officer of the California State Water Pollution Control Board; also representing the State board is Mr. Adolphus Moskovitz, deputy attorney general, whose assignments include, in addition to water-pollution control, work on most of the major water problems and projects in the State.

This is a joint statement by Mr. Moskovitz and we are both available for questioning by the members of the subcommittee.

It is a privilege to appear before your committee. Our appearance and the testimony were authorized at a special meeting of the State board, which meeting was called for the sole purpose of discussing S. 890.

I should like to speak first of the organization of the California State Board. Because of the various fields represented on the State board and because its action was unanimous, it is believed that the board's position on S. 890 is fairly representative of the interests within the State. The State board is comprised of 14 members who are selected from 12 fields interested in water-pollution control. Nine of these members are appointed by the Governor from qualified persons engaged in each of the following fields: Water supply; irrigated agriculture; industrial water use; production of industrial waste; public sewage disposal; city government; county government. The other five members are the following State officers: The director or agri-

culture; the director of public health; the director of natural resources; the director of fish and game; the State engineer, who is also chief of the division of water resources.

In recognizing its obligation to assume primary responsibility for control of water pollution, the State legislature, in addition to revising and strengthening the statutes, has budgeted for operation of the control program, for enforcement, for research, and for special surveys of individual water-pollution cases.

One measure of success of the program is the fact that the State board has not intervened and has not been requested to intervene during the first 5 years of operation in a single case of pollution control before our regional water-pollution-control boards.

Second, I should like to give our analysis of S. 890. Both the existing Federal Water Pollution Control Act and S. 890 declare at the very outset that it is the policy of Congress—

* * * to recognize, preserve, and protect the primary responsibilities and rights of the States in controlling water pollution. * * *

In this statement the State board concurs wholeheartedly. Much in S. 890 continues and strengthens this policy, but certain provisions, in our opinion, depart from it significantly. For this reason, we can support S. 890 only if those provisions are amended.

First, the State board believes that the United States should be authorized to bring suit to abate pollution only with the consent of the State where the pollution originates.

Such consent is required under existing law, but has been omitted from S. 890. It was written into existing law as a recognition by Congress that Federal-State cooperation is the best way to achieve effective pollution control.

When this committee reported out the bill which became the present law, it stated that the requirement of State consent should be eliminated only if experience showed that it does not work. To our knowledge, there is absolutely no evidence that the necessity for State consent has prevent effective pollution control. To the contrary, not only has the United States never been denied State consent, it has never apparently felt it necessary to ask for it.

Further, Mr. Chairman, enforcement of a court decree without State cooperation would present problems of staffing and expense by the Federal Government, which should be carefully considered. For if the State is not a partner in enforcement, the United States itself would have to undertake the necessary sampling, testing, and supervision activities which otherwise would be done by the State as part of its normal activities.

The State Board is, however, in sympathy with the proposed simplification of the enforcement procedure prior to the institution of court action, and supports that aspect of section 8 of the bill.

For the purpose of retaining the necessity for State consent to Federal abatement suits, we recommend that (d) of section 8 be amended as follows:

(d) After affording the person or persons discharging the matter causing or contributing to the pollution reasonable opportunity to comply with the recommendations of the board, the Secretary of Health, Education, and Welfare may, with the consent of the water pollution agency (or of any other officer or agency authorized to give such consent) of the State or States in which the matter causing or contributing to the pollution is discharged, request the Attorney

General to bring suit on behalf of the United States to secure abandonment of the pollution.

Second, the State board believes that the authority and responsibility for the establishment of water quality standards, where they are necessary, should remain with the States and with interstate agencies.

S. 890 would change existing law by requiring the United States also to establish water-quality standards at points where interstate streams cross State lines. At the very least, this would open up the possibility of conflicting Federal and State standards on interstate waters. At the very most, it could mean the elimination of States from water-pollution control activities on any intrastate waters which have interstate connections.

Again we urge that such a drastic realignment of State-Federal relationships in this field of water pollution control not be adopted unless the record clearly shows that the States have failed to discharge their primary responsibility and that present Federal law does not afford effective machinery for correction if the States do fail.

We, therefore, recommend that section 7 of the bill be deleted in its entirety.

Third, the State board believes that Federal grant-in-aid programs in the field of water pollution control should be limited research and special studies on sewage and industrial wastes. It is in research and special studies that the Federal Government can make its most effective contribution to water-pollution control.

Much basic knowledge about the causes, effects, and methods of preventing water pollution, both from industrial wastes and sewage, is still needed. For this reason, we favor the intensified and broadened research program provided in section 4 of the bill. We are especially happy that it authorizes grants-in-aid to and contracts with other public agencies and with private groups and individuals; for our own experience has demonstrated the fruitfulness of utilizing existing research facilities outside our own organization.

We take exception, however, to section 5 of the bill, which authorizes grants-in-aid to States and interstate agencies for their water-pollution control programs. The establishment of standards and enforcement being primarily the responsibility of the States and interstate agencies, we believe that they should accept, as they are in fact accepting, the accompanying financial responsibility.

We, therefore, recommend that section 5 be deleted from the bill in its entirety.

Fourth, we believe that it would be helpful if the definition of the term "interstate waters" in the existing law, which is retained without change in the bill, were amended to make clear that it includes only those waters the pollution of which may endanger the health or welfare of persons in a State other than that in which the discharge causing the pollution originates. Confusion has arisen as to whether the Federal interest expressed both in the existing law and in the bill covers coastal waters which have no effect on any other State.

The following amendment to (e) of section 10 of the bill would remove any doubt that the quality of such coastal waters is entirely a State concern:

(e) The term "interstate waters" means all rivers, lakes, and other waters that flow across, or form a part of State boundaries; the pollution of which may

endanger the health or welfare of persons in a State other than that in which the discharge causing the pollution originates.

We would recommend the amendment as quoted.

Finally, we believe that membership of the Federal Water Pollution Control Advisory Board, which is revised in section 6 (a) of the bill, should be expanded to include representation of all major groups interested in water quality, including county government and water suppliers.

The addition of a representative of each of those 2 groups to the others described in section 6 (a) would also bring the number of non-Federal members to 9, making them a majority. We believe this to be an entirely appropriate result in light of the policy that water pollution control is primarily a non-Federal responsibility.

We suggest, too, deletion of the President's discretion to determine that different representation than from the named groups would better further the purposes of the act. There are enough qualified persons in each of these groups that such a change would not unduly restrict the President's freedom of choice in selecting non-Federal advisory board members.

The amendments to (a) of section 6 and the addition of (g) to section 10 of the bill, which follow, would accomplish the foregoing recommendations:

SEC. 6. (a) There is hereby established in the Public Health Service a Water Pollution Control Advisory Board to be composed as follows: The Surgeon General or a sanitary engineer officer designated by him, who shall be Chairman of the Board, a representative of the Department of the Army, a representative of the Department of the Interior, a representative of the Department of Commerce, a representative of the Department of Agriculture, a representative of the Atomic Energy Commission, a representative of the National Science Foundation, and a representative of the Federal Power Commission, designated by the Secretary of the Army, the Secretary of the Interior, the Secretary of Commerce, the Secretary of Agriculture, the Chairman of the Atomic Energy Commission, the Director of the National Science Foundation, and the Chairman of the Federal Power Commission, respectively; and nine persons (not officers or employees of the Federal Government) to be appointed by the President. One of the persons appointed by the President shall be an engineer who is expert in sewage and industrial waste disposal, one shall be a person who shall have shown an active interest in the field of wildlife conservation, one shall be a person representative of municipal government, one shall be a person representative of State government, one shall be a person representative of county government, one shall be a person representative of water suppliers, one shall be a person representative of affected industry, one shall be a person who shall have shown an active interest in the field of recreation, and one shall be a person who shall have shown an active interest in the field of agriculture. Each member appointed by the President shall hold office for a term of three years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of office of the members first taking office after June 30, 1955, shall expire as follows: two at the end of one year after such date, two at the end of two years after such date, and three at the end of three years after such date, as designated by the President at the time of appointment. None of the members appointed by the President shall be eligible for reappointment within one year after the end of his preceding term, but terms expiring prior to July 1, 1955, shall not be deemed "preceding terms" for purposes of this sentence. The members of the Board who are not officers or employees of the United States, while attending conferences or meetings of the Board or while otherwise serving at the request of the Surgeon General, shall be entitled to receive compensation at a rate to be fixed by the Secretary of Health, Education, and Welfare, but not exceeding \$50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as author-

ized by law (5 U. S. C. 73b-2) for persons in the Government service employed intermittently.

SEC. 10. * * * (g) The term "county government" means county, parish, or township.

As was detailed above, we were directed to express approval of certain features of S. 890 and encourage their enactment, and to oppose and seek amendments to some provisions which are objectionable. In taking this position, the board recognized that a satisfactory method of solving problems in California might differ from the most effective approach for use in other areas of the Nation because practically all of California's waters are intrastate, and with the exception of the Colorado River, the interstate waters concern only one other State.

Therefore, to guard against provincialism, we were also directed to meet with representatives of other State and interstate agencies, to discuss their needs and wishes, and to work toward amendments which would be mutually satisfactory.

In the 4 days preceding this hearing, we have met with representatives of other groups, including the United States Public Health Service. It is apparent that there are two sides to the basic issues, but it is also clearly apparent that there are many others who share our objections as outlined above.

We believe our proposed amendments will meet these objections. However, if further modification seems desirable, we, as representatives of the California State board, offer to the committee, the other State and interstate agencies, and the Public Health Service our cooperation in discussing and developing a mutually acceptable Federal-State-local cooperative program for preventing and controlling water pollution.

Senator KUCHEL. Thank you very much, Mr. Bacon. Thank you also, Mr. Moskovitz, for appearing here today.

Mr. BACON. Thank you, Mr. Chairman.

Senator KUCHEL. You may rest assured that the recommendation you make for amendment will be considered by the entire committee.

The next witness we have today is Dr. J. W. R. Norton, the State health officer of the State of North Carolina.

Dr. Norton.

STATEMENT OF DR. J. W. R. NORTON, PRESIDENT, ASSOCIATION OF STATE AND TERRITORIAL HEALTH OFFICERS, AND STATE HEALTH OFFICER, STATE OF NORTH CAROLINA

Dr. NORTON. Mr. Chairman, I am State health officer of the State of North Carolina, and I am also president of the Association of State and Territorial Health Officers.

My appearance here today and my testimony is for the Association of State and Territorial Health Officers, and I will make references during my testimony to our experience in North Carolina because I am personally more familiar with the situation in North Carolina.

As president of the State and Territorial Health Officers Association and keenly interested in the proposed Federal legislation on water pollution control, Senate bill 890 and H. R. 3426, I have endeavored to ascertain the feelings of State health officers with respect to this legislation now under consideration by this committee.

Our association feels that Public Law 845 has contributed materially to the promotion and execution of State stream pollution control programs in practically all the States, and we favor continuation of the program.

We particularly favor the emphasis placed by this proposed law on recognizing and protecting the responsibility of the States to prevent and control stream pollution.

Water serves many uses, irrigation, industry, agriculture, recreation, and above all, provides one of the absolute necessities of life. We must remember that 75 million people in the United States secure their drinking water from the streams we are talking about keeping clean.

As State health officers, it is our job to see that this water is not allowed to deteriorate to the point where it cannot be treated and made safe to drink. If we do keep this water suitable to serve domestic uses after treatment, it will also meet most other quality requirements.

In all of our public health work, not only in North Carolina but throughout the United States, a stimulation to action in getting new programs on the way has been brought about by practical demonstrations in order that the people understand the necessity for the preventive public health program.

Once this necessity and its value is recognized, our people have shown their willingness to continue with their own resources insofar as they are able to do so. Our expansion of local health work in North Carolina is an excellent example of this fact.

Gentlemen, under Public Law 845, the present Water Pollution Control Act, through our own hard work and with a small amount of Federal assistance in the form of financial grants and technical staff we have made real progress in the past few years.

Under what is now section 5 (a), S. 890, we in North Carolina were able to initiate our program and acquire a staff for our new stream pollution control organization. We have need to further strengthen our present State program. Our cities are growing; our clean streams and plentiful water assets are bringing many industries into our State.

We like the proposal in this legislation which would enable us to continue the demonstrations for the need of stream-pollution control more widely over the State and draw upon the Public Health Service for needed technical help in dealing with our complex industrial wastes.

Section 5 (a) would continue the grants to States, helping us to strengthen our small but vigorous organization and aid us in working with the cities and industries to check and prevent pollution. We need this help at this time to cope with the growing pollution problems and to enable us to more rapidly develop our State programs.

Our association's executive committee has given careful consideration to the major changes which are proposed in S. 890. I should like to comment briefly on these changes and improvements to the existing law.

The first change is in the research authority in section 4. As State health officer, I should like to see the colleges, universities, and representatives of industry who are now at work developing research and consulting with one another trying to find out how to deal with

difficult-to-treat industrial wastes leaving the plant and being discharged to the streams, continue this research which is so vital to the solution of the problem.

As an example of this cooperative approach, I should like to call your attention to the fact that in our State of North Carolina for the past 4 years we have had an annual meeting of the southern municipal and industrial-waste groups which assemble at our State and privately endowed universities for the purpose of discussing the engineering aspects of pollution control and problems, particularly related to pulp and paper and textile wastes disposal.

These groups have brought together the technical-research men and experts of our universities and of industry, meeting together with State and municipal officials in an effort to determine ways and means of solving our problem.

We realize, as a practical matter, if out of this research some way could be found to put these wastes to practical use rather than dumping them into our streams, that would be the ideal way to control the whole problem. We feel that research is the answer to that.

The authorization of research grants and research fellowships in this field will stimulate and encourage such groups as these to reach their goals more quickly. We must expand research if we are to keep pace with the increasing pollution problems incident to population and industrial growth.

Strengthening water pollution control programs and expanding research through fellowships and grants are elements noted in the proposed legislation which appear to our association well worth while.

Section 7, relating to standards, is of interest to us. In North Carolina we have embarked, through our stream pollution control staff, on a statewide classification of the streams.

Classifications have just been established on one of the major river basins following studies and public hearings held in accordance with our State law.

We feel that this is sound practice. It gives industry about to select a new location a definite understanding of the investment they will have to make when they locate their new plants.

We think the provision in section 7 of S. 890, which calls for joint participation by the State and Public Health Service expert staff in establishing water-quality standards at State lines, is worthy of consideration, although the details of such action may need more consideration and clarification. This coordinated Federal, State, and local control program should do much to secure the abatement of water pollution.

The provisions for enforcement in section 8 are stronger than in the present law. However, there is a division of opinion among the executive committee members of our association.

Some are of the opinion that section 8 (d) should remain as printed in S. 890, while others feel that the existing provisions in Public Law 845 should prevail in that the State water pollution authority should first be notified before an order is issued against a polluter and that consent of the water pollution control agency should be obtained as provided in Public Law 845, section 2.

We have heard from California on that matter this morning.

We in North Carolina believe that "reasonable opportunity" might well be clarified by a phrase such as "a reasonable time to be determined by the Surgeon General, in cooperation with the State water control authority in the States involved."

I am also in receipt of a communication from the Conference of State Sanitary Engineers. This association also endorses S. 890 with certain suggested amendments. A copy of their statement is being presented to this committee through the State and Territorial Health Officers Association.

I would like to submit a copy of that for the record, Mr. Chairman. Senator KUCHEL. Very well.

Dr. NORTON. Since water-pollution-control activities are centered in the State and Territorial departments of health in 19 States and 5 Territories; and boards within State departments of health are responsible for pollution-control activities in 8 States; and boards or commissions, including State health department representation and in which the State health department acts as the executive and technical agency, have pollution control responsibilities in 9 States; and since separate water resources or water-pollution-control agencies or commissions in which State health departments are represented have control in 12 States; you can readily see that the State and Territorial health officers are vitally interested in this proposed legislation because we believe that it is a real means of enabling the States to work with the Public Health Service in conserving our Nation's water resources which are so vital to the Nation's health and well being.

While I am here, Mr. Chairman, if I might, I would like to comment that our State and Territorial Health Officers Association have had some considerable discussion on another matter, which has been referred to here, and that is S. 928, the atmosphere pollution, and that we feel that some legislation along the line of S. 928 is very important and would be very worthwhile at this time.

North Carolina is not one of the States that has a serious problem there, but we have other States that are very much interested in our association and I wanted to make that comment.

Senator KUCHEL. Thank you very much, sir. I appreciate your appearing here today. The statement of the Conference of State Sanitary Engineers will be made a part of the record at this point.

(The above-mentioned document is as follows:)

CONFERENCE OF STATE SANITARY ENGINEERS,
Trenton, N. J., April 19, 1955.

Dr. J. W. R. NORTON,
*President, State and Territorial Health Officers Association,
Care of State Department of Health, Raleigh, N. C.*

DEAR DR. NORTON: The Conference of State Sanitary Engineers desires to present to the Honorable Dennis Chavez, chairman of the Senate committee reviewing S. 890 (bill now before Congress to strengthen the Federal Water Pollution Control Act), a prepared statement, copies of which are attached.

You will note that item 3 in the statement forwarded to you by Mr. Lynn Thatcher has been changed and expanded to meet suggestions of members of the executive board of our conference.

It is requested that the Association of State and Territorial Health Officers forward this statement to Mr. Chavez in the event of supporting action with your endorsement. I understand hearings on this bill will begin tomorrow, April 20.

Sincerely yours,

ALFRED H. FLETCHER,
Secretary-Treasurer.

STATEMENT OF THE CONFERENCE OF STATE SANITARY ENGINEERS REGARDING SENATE BILL 890, WHICH PROPOSES TO EXTEND AND STRENGTHEN THE PRESENT WATER POLLUTION CONTROL ACT (PUBLIC LAW 845) OF THE PUBLIC HEALTH SERVICE

The Conference of State Sanitary Engineers with the endorsement of the Association of State and Territorial Health Officers urges the passage of S. 890 with the following recommendations:

1. That section 6 be amended so that the Water Pollution Control Advisory Board will include a representative from an interstate water pollution control agency in addition to those already provided for in this bill.

2. That section 7 (b) be amended by the addition of a second sentence to read as follows:

"Such water quality standards prepared by the Surgeon General shall be certified, by any State affected, to be essential to present and future uses of waters involved."

3. That sections 7 and 8 be amended to clarify the roll of the State and interstate agencies in relation to the adoption of standards and the issuing of a notice to an alleged polluter. In consideration of this it is suggested that a third sentence be added to section 7 (b) to read as follows:

"Standards which have been adopted by interstate agencies shall govern and not be supplanted by standards adopted by the Surgeon General"; and

That section 8 be amended so that the Surgeon General of the USPHS shall give formal notification to the State and Interstate Water Pollution Control Agency where such pollution is arising before a notice is issued to the alleged polluter by the Surgeon General.

Senator KUCHEL. The next witness will be Mr. Michael Hudoba of the Sports Afield magazine.

Mr. Hudoba.

STATEMENT OF MICHAEL HUDOBA, WASHINGTON EDITOR OF SPORTS AFIELD MAGAZINE

Mr. HUDOBA. My name is Michael Hudoba, and I am Washington editor of Sports Afield magazine. I have just a brief comment to make because I believe the statement of Mr. Voight, executive director of the Izaak Walton League, and the statement of Mr. Callison of the National Wildlife Federation, pretty well state the general principles. I am here to endorse S. 890 and to urge its passage.

We feel that with the impending closing out of Public Law 845 on June 30, 1956, that we are faced with a vacuum in national pollution abatement as a policy unless this session of Congress does approve S. 890 or the extension of Public Law 845, because of the problem of providing the budget.

Water is indispensable to all life; the limiting factor of community growth, the limiting factor of industrial growth is the availability of usable water. We feel that pollution abatement is indispensable to the future of this country.

We are quite concerned over the apparent delays and lack of actions that have taken place, indicating that there is some support for the statement made by the House Committee on Appropriations in its report, which stated that the enforcement features of Public Law 845 were almost unenforceable, and that the appropriations were being cut.

I would like to suggest also that the water quality standards which have been discussed are extremely important. It is a basic fundamental that is involved. The State that is at the top of the watershed which produces and supplies the water has the advantage.

The State on the far end of the watershed is at a disadvantage, and it may not necessarily be saved by intermediate compacts or groups

of States on the development of that water; and we feel that the Public Health Service through the service of the Surgeon General should establish basic policy as a guide by which the measure of usable water will be determined.

Otherwise, in the absence of water quality standards or determinations by legislation, compacts will create an economic Pandora's box of troubles because it will create the bidding for industrial expansion by production of watersheds to attract such industry.

In the future under such a circumstance with the growing population and industrial expansion and the improved use of the atom, which implies far greater supplies of water than anyone envisions here today present the urgency of continuing this abatement program.

Senator KUCHEL. May I ask just one question, Mr. Hudoba. Was the comment by the House Appropriations Committee to which you referred a printed comment in connection with one of its reports?

Mr. HUDOBA. Yes; it is printed in the report of the Committee on Appropriations House Report No. 228 in the consideration of the appropriation bill of the Department of Health, Education, and Welfare and related agencies.

Senator KUCHEL. I would like to have that made available to the committee when we have an executive session on this legislation.

Mr. HUDOBA. Mr. Chairman, in closing I would like to offer as conservation director of the Outdoor Writers Association a copy of a resolution which was passed by the Outdoors Writers, who are composed of a membership of approximately 1,700 writers and editors across the country, in which they have outlined in their resolution the requirements for a pollution abatement program which generally concurs with those expressed in S. 890.

Senator KUCHEL. Thank you very much. That will appear in the record at this point.

(The above-mentioned document is as follows:)

A RESOLUTION CALLING UPON THE UNITED STATES CONGRESS TO EXTEND THE FEDERAL WATER POLLUTION CONTROL ACT WITHOUT TIME LIMITATION ON IT OPERATION AND OTHER AFFILIATE RECOMMENDATIONS

Outdoor Writers Association of America passed at last annual convention in Rolla, Mo., 1954:

Whereas water, its conservation, development and use is fundamental to America's future;

Whereas water usage is determined by the success of water pollution abatement;

Whereas the Taft-Barkley Federal Water Pollution Control Act, designed to provide Federal research, education, enforcement of interstate pollution and financial assistance to back up programs expires June 30, 1956;

Whereas the continued growth of pollution demands that Federal support to State programs be continued and extended and that Federal responsibility be strengthened on interstate waters: therefore, the Outdoor Writers Association of America recommends:

(1) That the Federal Water Pollution Control Act be extended without any time limitation on its operation;

(2) that Federal enforcement powers be strengthened to deal rapidly with pollution occurring between the States;

(3) that Federal enforcement powers be used to prevent new pollution from unreasonably deteriorating interstate waters which form or cross State boundaries;

(4) that Federal financial assistance be made available to States, municipalities, and industries through such means as will provide an effective incentive to the planning, programing, and construction of pollution abatement works; and,

further, that accelerated amortization of cost of waste treatment facilities for income tax purposes be approved to encourage construction of waste treatment plants to alleviate pollution by industry.

Senafor KUCHEL. The next witness this morning will be Mr. Milton P. Adams, executive secretary of the Water Resources Commission of the State of Michigan.

**STATEMENT OF MILTON P. ADAMS, EXECUTIVE SECRETARY,
WATER RESOURCES COMMISSION, STATE OF MICHIGAN**

Mr. ADAMS. Mr. Chairman, my testimony is prepared in conjunction with Mr. Olds. We are going to bring out different angles to this problem than has yet been presented.

We think it is extremely important because it goes to the very heart of what we are all seeking, and that is a continued and accelerated advance in this matter of water pollution, because we say it frankly if this bill is enacted in its present form with these controversial sections, the Congress will destroy the ability of the States to continue with the work.

Senator KUCHEL. You are speaking now of the proposed legislation?

Mr. ADAMS. I am, sir, yes. My remarks are entirely devoted to that.

The opportunity of appearing in behalf of the water resources commission of our State in connection with S. 890 is greatly appreciated. My remarks are to convey not only my viewpoint but that of our members, the executive office, headed by Governor Williams, Attorney General Kavanagh and other key officials in the State administration. The testimony supports certain provisions of this bill. It strongly opposes others. Attached will be found the 1954 annual summary of pollution control accomplishments in our State.

Following graduation as a civil and sanitary engineer from the University of Michigan and a short period of military service, I was employed for some 10 years by the city of Grand Rapids, Mich., as its sanitary engineer. Since October 1930, I have held the position as executive secretary of Michigan's agency charged with the control of water pollution.

During the thirties I collaborated with others holding a wide range of views on the form of proposed Federal legislation that would be workable and satisfactory.

The period from 1934 to 1948 was necessary, apparently, to reach a conclusion here in Congress. The result was the Barkley-Vinson or the Taft-Spence bill enacted as Public Law 845 of the 1948 session of Congress, signed by President Truman, the law which you are now asked to extend, modernize, and strengthen.

Michigan's only interest here today is to see that this task is accomplished without impairing or risking destruction of the mutual cooperation and confidence that must continue between the States, interstate agencies, and the Federal Government.

That is necessary if this matter of water pollution is ever to be conquered and maintained under satisfactory controls.

I have brought to be submitted to the committee if they so desire, a summary, in which you will find that 15 municipal abatement projects were completed during 1954, 22 others were under construction as the year closed.

When completed, the total will represent a capital investment of more than \$30 million of locally raised funds over this 2- to 3-year period.

The new installations will add to the backlog of previously completed projects. They serve more than 170 municipalities of our State and upwards of 85 percent of its population. Twenty-nine out of the 37 municipal projects have been completed or are maturing as the result of commission orders.

Ten out of the twenty-nine orders have had to be supported by court action, pressed by our attorney general. The remaining projects have matured or are going forward as the result of commission conferences, staff or health department action or other urging.

On the industrial side, the annual summary lists 43 companies that have completed and placed in operation 48 waste-treatment facilities. Twelve of these are to serve pulp and paper-mill operations; 9 installations are to control pollution from electroplating plants; 8 are for the control of oil wastes; 7 for canning factory wastes; 4 to control phenolic discharges; 2, solids removal; 1 each for the control of pollution due to steel mill, milk products, sewage, pharmaceutical, mine, and tannery wastes.

Fifteen companies had industrial-waste-treatment plants under construction as the year closed. For the first time in Michigan we have encountered the problem of handling nuclear-type wastes from an isotopes laboratory. It is worthy of note that of the 57 managements whose records are summarized, 27 are proceeding under orders adopted by the commission, 30 have gone forward as a result of staff effort, with or without the aid of commission conferences. One order against an industry has required court action.

The 1954 progress in this field will add to the previously attained approved standing of 265 of our four-hundred-odd industries, which make direct use of the waters of the State for waste-disposal purposes. This record has been established while Public Law 845 was in effect. It would not have been improved with strengthened Federal enforcement powers.

We have no apology to make for the unfinished job remaining before us in Michigan. Members of our commission consisting of the State director of conservation, State health commissioner, director of agriculture, State highway commissioner, or their authorized deputies, together with three citizen members appointed by the Governor, have contributed generously and gratuitously of their time to reach the present stage of accomplishment.

Monthly meetings are held in Lansing or throughout the State. More than the full time of one assistant attorney general is utilized to serve commission needs. The current annual budget of the commission for all purposes, exclusive of attorney general services, amounts to \$197,000.

Our only interstate problems are with Ohio, which are substantially nil, along the St. Joseph River with the State of Indiana, along the Brule, Menominee, and Montreal Rivers in the Upper Peninsula with Wisconsin.

Right at that point, Mr. Chairman, I would like to point out that we are in litigation with the city of Ironwood on this Montreal River. The preliminary decision of the court has been that our State has

the authority to control the pollution of the city of Ironwood of an interstate stream, but there is not any question when this hearing is completed and the people know about Mr. Olds' statement and mine that there is going to be a basis of appeal.

The city attorney is contesting that very point, it is that you cannot have them both running concurrently, both State and Federal jurisdiction to control pollution. It is one or the other.

Senator KUCHEL. Do you mean that one of the bases of his legal argument is that there is an overriding Federal authority which divests you of control?

Mr. ADAMS. Yes, and we will have at least six orders which will be appealed to the court to decide who is going to be the authority, the State or the Federal requirement that is made.

All problems are either solved or on the way to solution without the use of Public Law 845 or the necessity of the additional enforcement powers of S. 890.

If the International Joint Commission, one-half of which is situated here in Washington, could find a way of persuading their Canadian counterpart to move Ontario municipalities into action, we would have more time for other work within our State.

Our public along the international boundary could then be confident that they are not uselessly expending their funds for pollution abatement on our side of the St. Marys, St. Clair, and Detroit Rivers.

Senator KUCHEL. We have the same problem in California.

Mr. ADAMS. Yes, I understand so, sir. The enforcement provision of S. 890 cannot help us in Canada. The research and investigatory powers of the Public Health Service are helpful and should be placed on an adequate and continuing annual basis.

I would like to comment that a member of your committee, Senator McNamara, appeared before the International Joint Commission 2 weeks ago in an attempt to try to get the service which the Public Health Service is rendering to the I. J. C. put on a more Federal basis.

Throughout World War II, our State was frequently referred to as the "Arsenal of Democracy." Unusual and abnormal surges of industrial and residential developments that ran from 1938 to 1945, only to be followed by another surge in 1950, which still continues, have left several of our metropolitan areas with fringe problems.

These have imposed serious environmental sanitation conditions. We are not yet "out of the woods" in these areas but we are on the way. Only the means of financing necessary public construction within township governmental units, unavailable as yet, can solve such problems, under our law and constitutional requirements. Stronger Federal laws or their enforcement are not the answer.

After careful consideration, we wish to be on record as offering exception only to sections 5, 7, 8, and 10 of the bill before you.

As to section 10, we would call to your attention the loosely phrased definition of interstate waters, subparagraph (e). If and when used in relation to sections 7 and 8 of this bill, only confusion, uncertainty, and misunderstanding can result. The likelihood of overlapping and conflicting Federal and State efforts on the same problems is a possibility. This is a sure way to discourage compliance efforts. The pollutor insists upon and is entitled to know whose

requirements he must meet when he spends his money for corrective measures.

As to section 5, "Grants for Water Pollution Control," we experienced embarrassing administrative dislocations as a result of counting upon the availability of authorized but unappropriated funds. This was in June 1952. Grant authorization for the same purposes is again set forth in this extension legislation.

We are satisfied that the cause of continuous and effective pollution control effort will be served best by relying upon State funds for the support of the State function.

Lack of Federal grants has not retarded our program. The record of accelerated accomplishments of the past 2 years has been made without grant assistance. It has required the will to achieve. We doubt if this is purchasable by Federal grant money.

Mr. Chairman, we particularly dislike many subparagraphs of this section. They will not serve to bring about proper relationships between States, interstate agencies and the Federal Government. Some of them almost resemble a new version of the magician's trick of "now you see it and now you don't." We fail to see how a State official can find his way through this maze of requirements, eligibilities, percentages, Federal and State shares, etc., and come up with the answer of how much is due his State. In addition, unknown regulations are still to be adopted.

Any recalcitrant State would have lost its way long before getting to the United States Circuit Court of Appeals or the United States Supreme Court in pursuit of its expected gratuity from the Surgeon General. The States should pay their way and the Federal agency its way in any such joint venture as this bill proposes.

If in your final consideration of this section of the bill, however, you conclude that grants are necessary, let's have a simplified rewrite of this section which all can understand—one which does not attempt to whip certain States or interstate agencies into line with Federal action, but rather one that induces their compliance in a dignified manner, worthy of the high opinion that all should have of our Federal structure, even if we don't know how it is made, a little short paragraph in Public Law 845 and let the Surgeon General determine that.

Section 7, "Water Quality Standards to Prevent Pollution of Interstate Waters." Our principal objection to this section is that it would force States to adopt water quality standards. They are unnecessary to the uniform and equitable control of pollution. There is much difference of opinion among pollution control administrators of the several States as to whether standards are helpful or a hindrance.

Michigan's Commission has not chosen to expend its time or waste its substance in the formulation and adoption of statewide water classifications or standards. In order to become binding and for the means for subsequent enforcement purposes, extensive time-consuming hearings are required.

Michigan has upward of 3,100 miles of Great Lakes shoreline, 36,000 miles of rivers and streams and over 11,000 inland lakes. To formulate, hold hearings and adopt binding water quality standards throughout our State would mean just this, the suspension of all other compliance activities for an indefinite period of time. Neither are we

interested in adopting standards simply for the purpose of preserving the status quo of pollution. We are in the business of lifting the burden from too heavily used waters. We see to it that our unimpaired resources are protected from the outset of development around them by measures that will best serve the public interest.

The course our Commission has pursued is to consider each problem on its merits. It sets up its orders guided by our statutory definition of unlawful pollution. Subsequent action of the courts, when appealed to, will assure fair treatment of the various users if we have failed in that effort.

According to the "reasonable use" doctrine, so-called, of equity courts our orders are measured. It is significant to note, at this point, that in all the actions taken since 1929 at staff or Commission levels, including more than 200 officially adopted orders, appeal has been taken to the Supreme Court in but two cases. It held for us in one instance and against us in the other. The latter was due, not to the merits of the case. We failed to provide "procedural due process" in the judgment of the high court.

Under the doctrine of the courts previously referred to, Mr. Chairman, all riparians in turn are entitled to make a reasonable use of the waters of the State for waste disposal purposes among other things, but no more. We feel that our water users, as well as this agency, are entitled to continue in accordance with this long-established and well-recognized doctrine. To it has been geared the administrative policy of our Commission and its employed staff. The combination has worked successfully on both intrastate and interstate problems, both prior to and subsequent to the enactment of Public Law 845.

We dislike the implications in this section of the bill which mean that unless States subscribe to the Federal viewpoint on this matter of water standards, our efforts and procedures may be set aside. In this case the Surgeon General or his representative substitutes his opinion of adequate protection.

The fact must further not be lost sight of that when an enforcement agency, be it State, interstate or Federal, encounters a water user who can demonstrate that observance of previously adopted standards deprives him of what the courts may later find to be a reasonable use of those waters, the whole structure of standards, laboriously set up, may well collapse. It can be set aside by an unfavorable court decision. The governmental unit in question would then have the job of starting in all over again while pollution continues.

The adoption and use of water-quality standards should continue to be a State or interstate responsibility, an administrative tool, if you please, to be utilized at their option. To bring them into the Federal law, as the way has been paved by section 7 of this bill, runs not only counter to the declarations of section 1, it is simply another form of creeping Federal control.

We have heard and read President Eisenhower's recommendations as to State-Federal relations with respect to the Nation's water resources. We are at a loss, frankly, to understand the sponsorship of a bill such as this by so-called administration Senators, joined by one of the opposite political persuasion. For here in Congress, if sections 5, 7, 8, and 10 are enacted in their present form, the States may well be ousted from their established jurisdiction. This we are convinced will be the result, despite assurances to the contrary made in

section 1 of the bill or those which have been made in the course of this hearing.

Now, section 8, "Enforcement Measures Against Pollution of Interstate Waters." My associate, Nicholas V. Olds, assistant attorney general, will present, I think, compelling and convincing legal reasons why this section should never be enacted in its present form. We seriously doubt if this is what the people want or what you desire. If so, we are unaware of the fact.

Here certainly is a contrary indication from the board of directors of a sportsmen's organization, which follows our work closely in Michigan. The resolution adopted last week in Grand Rapids is included in full, as follows. Members of our Michigan delegation have received this; you have not. Do you care for me to read this resolution?

Senator KUCHEL. It is up to you. It will be in your prepared statement.

Mr. ADAMS. Perhaps for those who don't have it, I should read it:

Whereas it has been called to the attention of the board of directors of the Michigan United Conservation Clubs by Nicholas V. Olds, assistant attorney general, legal counsel to the Department of Conservation and the Water Resources Commission, that there are pending before the Congress of the United States identical bills known as H. R. 3426 and S. 890 which purport to "extend and strengthen the Water Pollution Control Act," and

Whereas certain sections of the proposed bills, if enacted in their present form, not only constitute an entering wedge to Federal control of all pollution abatement, but in the process are likely to oust the States of their established authority and jurisdiction, contrary to the avowed purposes declared elsewhere in these bills, and

Whereas the 291 clubs of Michigan United Conservation Clubs representing 65,000 members wish to see the fastest possible progress made toward the abatement of pollution in both intrastate and interstate waters, and

Whereas having confidence in the work and great progress that has been and is being made by the Michigan Water Resources Commission in the abatement of pollution supported by the cooperation and efforts of our attorney general, Thomas M. Kavanagh; and

Whereas it is our view that Public Law 845 of the second session of the Congress of 1948, requiring the consent of the States concerned before the Federal Government exercises jurisdiction in pollution abatement, appears to be the only means of fostering and assuring continued cooperation between the States and the Federal Government in their joint efforts to overcome the destructive effect of uncontrolled pollution on our water resources: Now, therefore, be it

Resolved by the board of directors of Michigan United Conservation Clubs, meeting in regular session at Grand Rapids, Mich., on April 16, 1955, as follows:

1. That this organization go on record as opposing the enactment of S. 890 in its present form because of the likelihood of the ouster of the States from jurisdiction and authority in their pollution abatement efforts.

2. That as a substitute for further consideration of S. 890, now pending before the Senate Public Works Committee, we recommend that a joint resolution to the Congress be adopted extending for the period of another year the provisions of Public Law 845 of 1948, in order that officials of the States may have an opportunity to confer with officials of the United States Public Health Service for the purpose of agreeing upon a form of legislation more nearly acceptable to the States, interstate agencies, and the Federal Government.

3. That copies of this resolution be sent by our secretary to all members of the Senate Committee on Public Works to our Senators Potter and McNamara and to Michigan members of the House of Representatives.

Just to fill the breach caused by Mr. Olds' predicted ouster of States' jurisdiction which may be expected to result from the enactment of this section will eventually cost the Federal Government many millions of dollars per year, gentlemen, a far cry from the paltry sum of

\$145,000 for enforcement denied the Public Health Service by action of the House on March 21.

Let us consider for a minute the Federal record as to pollution control to date as we know it. First, I need not remind you of the several places in coastal waters of the United States where oil pollution continues in contravention of the Federal Oil Pollution Act of 1924. We have it also in Great Lakes ports. Here is a law that really needs strengthening beyond the sole interest of navigation as well as its extension into the Great Lakes. Yet S. 890 leaves this matter untouched.

Secondly, the Potomac River itself below this fair city carries excessive pollution today, I am told, because of Congress' past inability or failure to appropriate its share of funds necessary to clean it up.

Thirdly, the Corps of Engineers, under an act of March 3, 1899, still has a long-standing navigation injury to correct at Monroe in our State. So far their efforts have consisted of the collection of annual sums from the offending industries to meet a portion of the additional cost of dredging the lower Raisin River turning basin.

All such material is removed to a Lake Erie dumping ground from which much of it finds its way back, to impair our State parks and other recreational frontages, as well as a municipal water supply source. One of the purposes of the April meeting of our Commission, to be held tomorrow at Milford, is to get all industries and Monroe port and city officials together, along with the Corps of Engineers. We would eliminate not only the navigation problem, but launch other steps which will restore the lower river and adjacent Lake Erie waters to a condition acceptable for other public uses.

Let no one suppose that this matter of consent of affected States before entering of suit by the Surgeon General is just a time-consuming hindrance to a Federal agency. It is the only means there is of assuring the continuance in the future of State jurisdiction and effort. We know of no State that has denied consent to the Surgeon General under his administration of Public Law 845. We even doubt if any request for such authority has been sought. Why, then, should Congress even be considering the granting of further enforcement authority at this time to an agency which has made so little use of the enforcement authority it has had and not exercised?

May I say that we fully appreciate the many fine and useful services rendered by the Public Health Service. These should be continued and expanded in the future under suitable legislation and more generous financial support of their function. I have already mentioned our need of their services in connection with boundary water problems. Research results from grant programs as well as the recently completed Taft Sanitary Engineering Center in Cincinnati will be of benefit to all the States.

Another important activity is that which the service has already organized among various industrial groups. Needed applied research programs under Public Health Service guidance and supervisions can be the means of solving new and unusual problems, this for the benefit of the public and industry, alike. The informative and education nature of many of the service's bulletins and publications are outstanding.

Important new activities not now contemplated by S. 890 occur to us from Michigan. We feel that they might well be incorporated

in any new Federal legislation and be assigned to the Public Health Service. We believe such action would meet with general State approval.

First, the authorization for the construction and operation of one or more official testing stations, either at Cincinnati or throughout the United States, as they may be required. These would be devoted to ascertaining the effectiveness of the constant succession of proprietary and newly patented processes offered for the treatment of sewage and industrial wastes. New money-saving devices offered for this purpose are constantly being sought and developed. These are placed on the market frequently with optimistic promises of performance. Potentially large expenditures or savings are involved in their adoption. Yet such devices and processes are not supported in general by sufficient test data upon which State approval can be based. This State approval is a prerequisite to their subsequent use by municipalities and industries. The Public Health Service could perform a genuine aid to nearly all the States by rendering such a service.

Second, no control is now provided for pollution due to sewage, garbage, and other wastes now discharged from boats in transit plying the navigable waters of the United States. The problem is particularly serious within restricted waterways and connecting channels between the Great Lakes, perhaps elsewhere. Also, this is particularly in a State where the second industry is tourist and resort and where people are very critical.

Only through appropriate Federal legislation, administered by the Public Health Service, can this constantly growing problem be brought under control and appropriately dealt with. The responsibility would seem to be clearly a Federal one and is related to an existing Public Health Service function—that for the control of the purity of water supplies furnished on common carriers. Such an authorization under S. 890 could well provide for taking over the Federal responsibility under a broadened version of the Oil Pollution Control Act of 1924, as we see it, and include other things than navigation.

At least one of our Congressmen feels that the Federal Government has a duty to subsidize sewage treatment construction. All authorizations for this purpose have disappeared in S. 890. No funds were appropriated under the authorization provided by Public Law 845. Most of our municipalities have now raised and expended their funds, with or without the aid of W. P. A. or P. W. A. If the Congress is in a position to provide financial assistance for needy governmental units for such purposes, your choice of a number of other pending bills is available. As we see it, it wouldn't clutter up S. 890. S. 1524 appears to have much merit.

In conclusion, let me again repeat that we are convinced that enactment of sections 5, 7, 8, and 10, in their present form will only impede and delay the cause of future pollution abatement efforts throughout the Nation. One conclusion to be drawn from these sections is that somewhere within the Federal establishment there exists the desire and intention to have the Surgeon General take over the Nation's remaining pollution control problems, permitting the States to follow along if they care to do so. We know this position is not held by our friends and contacts within the Public Health Service for whose integrity and professional standing we have high regard. An-

other conclusion would be that a very superficial consideration was given to what would happen if the enforcement features of Public Law 845 are converted over to those of S. 890.

We stand ready to aid, if we can, in suggested amendments to S. 890 that would make it acceptable to us. But nearly all the States have a stake in this proposed legislation.

If, in your final consideration of the bill, you find yourselves unable to reconcile the divergent Federal, Interstate, and State positions on the proposed legislation, then we would respectfully request that you suspend further consideration of S. 890 and take action to extend the provisions of Public Law 845 for another year or two.

This, Mr. Chairman, will provide opportunity to determine the necessity for strengthening legislation and decide on a form of bill which will be more acceptable to the States. Thus, the States, the Federal Government and the Nation can be spared the unfortunate situation that lies ahead if S. 890 is enacted in its present draft.

Sorry I had to take so much of your time.

Senator KUCHEL. Not at all. Thank you very much. The data which you have accompanying your statement can appear, if you wish.

Mr. ADAMS. Not being a lawyer, I haven't put this in the proper form of exhibits here. I just incorporated and referred to it and tried to compile it on page 2 of my paper here what was in it and I thought if anyone wanted to check back, there was the supporting data on there.

Senator KUCHEL. I don't know that any useful purpose would be served by including these municipal project reports unless you, gentlemen, want them in the record.

Mr. ADAMS. My only feeling was this: There has been, I think, quite a little loose talk and concern about the States having fallen down on the job and pollution is greater. I know it is getting greater. I think I can state, without fear of contradiction, having been in the State for 25 years, we have taken care of the pollution of the State at 5 billion. When it grows rapidly with its industrial developments and shoves up to 7 billion and 7½ billion, we are still going to have problems before us.

I think, Mr. Chairman, the decision that your committee is going to have to face—these people, for whom I have the highest regard, Izaak Walton League and National Wildlife Federation, they are big boosters in Michigan—is going to be just this: Are you going to take the chance, by enacting this bill in its present form, of throwing out the workhorses you have and the only promise you have of getting this job done?

Senator KUCHEL. That is the reason we are having these hearings.

STATEMENT OF NICHOLAS V. OLDS, ASSISTANT ATTORNEY GENERAL OF MICHIGAN

Mr. OLDS. I am Nicholas V. Olds, Assistant Attorney General of the State of Michigan.

Mr. Chairman and gentlemen of the committee, S. 890, H. R. 3426, are identical Senate and House bills which by amending Public Law 845 of the 1948 session of Congress proposes to vest the Surgeon General of the United States with broad powers of investigation and en-

forcement in the field of water pollution control in the waters defined as "Interstate waters."

The proposed legislation contains many clauses which are obscure in meaning, very general in scope and present many difficult problems in administration and legal interpretation both to Federal and State officials.

In fact, it can be said that the proposed legislation contains more than the usual quantum of "double talk."

Section 1 of the bill restating the opening declaration of the 1948 law ostensibly purports that:

It is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution, * * *.

But, in section 7 (a) the Surgeon General is empowered to prepare and adopt and publish standards of water quality to be applicable to the interstate waters whenever he finds that the pollution of such waters:

* * * in or adjacent to any State or States which will or is likely to endanger the health or welfare of persons in a State other than that in which the matter causing or contributing to the pollution is discharged, * * *.

And section 8 (a) states:

Section 8 (a) the pollution of interstate waters in or adjacent to any State or States (whether the matter causing or contributing to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributary of such waters), which endangers the health or welfare of persons in a State other than that in which the discharge originates, is hereby declared to be a public nuisance and subject to abatement as herein provided.

I might point out at this point that our pollution law does not use those words, but uses the words "injure public health."

Senator KERR (presiding). May I ask you a question there. What do you think is the legal effect of the language "is hereby declared to be a public nuisance"?

Let me ask it another way: Do you think that language and such a declaration would have in fact a meaning maybe far beyond any abatement privileges or responsibilities set forth in this act?

Mr. OLDS. The purpose of the bill, of course, is to give two types of authority: One, to enable the Surgeon General to make comprehensive studies and in fact the amendment in that respect is even broader than the amendment in section 8 (a) because it is authority for him to include not just interstate waters but all waters.

That is in section 1, I think, or 2. I have forgotten which one it is now, but it is one of those. They have eliminated the phrase "interstate waters" with reference to his authority to make plans and comprehensive studies, and surveys.

However, the pollution abatement authority is confined to interstate water as defined and as set up in section 8.

Senator KERR. I understand that, but the question that I would like to have your opinion on this: Is it not entirely possible that the declaration of a situation to be a public nuisance would have meaning far beyond the simple authority contained in the words wherein it says "and subject to abatement as herein provided"?

Mr. OLDS. Yes; I would say so, Senator, because a law declaring a thing to be a public nuisance—

Senator KERR. Can it not eliminate the effect of its being a public nuisance just by the provisions of the act itself?

Mr. OLDS. When a statute declares a certain thing to be a public nuisance, then by itself it impliedly vests authority in the injured parties to seek redress under that definition.

Senator KERR. And that could be very widespread and very far-flung.

Mr. OLDS. Yes; far beyond the conditions themselves as we are considering them, that is right.

Senator KERR. And in matters entirely removed from the authority of the Federal Government set up by this law to bring about an abatement of that nuisance?

Mr. OLDS. I would say so. I would say that even private parties could come in and file suits.

Senator KERR. And other municipalities?

Mr. OLDS. And other municipalities, under this definition. There is that danger.

Senator KERR. That is my opinion, and I am glad to have your opinion on it.

Mr. OLDS. I think that later on, you will see, Senator, how we develop our argument on this very thing.

Senator KERR. All right, sir. You may proceed.

Mr. OLDS. The rest of the section sets up the procedure which the Surgeon General shall follow in abating the public nuisance defined above, and it must be pointed out that the exercise of his authority is direct and not made subject to any limitations; whereas the present act requires consent of the offending State before the Surgeon General can exercise abatement authority.

Section 10 (e) defines interstate waters as follows:

(e) The term "interstate waters" means all rivers, lakes and other waters that flow across, or form a part of State boundaries.

When this definition is read with reference to the language contained in section 8 (a) above quoted, it can be seen that many of the streams and lakes in the State of Michigan would be subject to the direct authority of the Surgeon General.

May we point out that the phrase in section 8 (a) "* * * which endangers the health or welfare of persons in a State other than that in which the discharge originates," is a very broad one. No direct injury need occur in order to bring to bear the authority of the Surgeon General.

May we point out that the phrase in section 8 (a) "* * * which endangers the health or welfare of persons in a State other than that in which the discharge originates," is a very broad one. No direct injury need occur in order to bring to bear the authority of the Surgeon General.

I point out that many substances travel long distances and, therefore, we could envision certainly a substance originating in the interior of our State and reaching Lake Michigan, which is a boundary lake, and that would mean that the Surgeon General could go against that municipality or industry located in the interior of the State.

The State of Michigan is bounded by 4 of the 5 Great Lakes. All of our streams empty into these waters, and they all would come under the definition of "interstate waters" since they form a part of our boundaries with other States.

Therefore, if an industry located on the Kalamazoo River—for example, a group of paper mill factories—was discharging wastes in the Kalamazoo River, thence reaching the waters of Lake Michigan, it would be within the judgment of the Surgeon General to determine that such pollutants might endanger the health or welfare of persons in the State of Indiana or the State of Illinois.

The same situation arises as to Lake Erie and could arise as to Lake Superior. Even tributaries of the Kalamazoo River as well as all our major rivers would come under the direct authority of the Surgeon General under the language contained in section 8 (a).

Therefore, despite the present efforts being exerted by the State of Michigan in lifting the load of pollution from our streams that flow into these lakes, by the passage of this bill the authority of our State would be supplanted by the authority of the Surgeon General.

Although this is not an exhaustive brief on the subject, nevertheless, the principle that a State is completely ousted in exercising jurisdiction in a field which has been occupied by Congress is so well-established that there hardly need be any extensive citation of authority.

It is well stated in an eminent text on constitutional law, *Blacks Constitutional Law*, Second edition, page 174:

EXCLUSIVE AND CONCURRENT POWERS. 102. Some of the powers granted to Congress by the Constitution are vested exclusively in that body; some others may be exercised concurrently by the States in the absence of action by the National Government thereon. A power vested in Congress is exclusive of all State action on the same subject when—

(a) It is made so by the express language of the Constitution.

(b) Where in one part of the Constitution an authority is granted to Congress and in another part the States are prohibited from exercising a like authority.

(c) Where a similar power in the States would be inconsistent with and repugnant to the authority granted to Congress, that is, where the subject matter of the power is national and can be governed only by a unified system.

This is the one that we are primarily concerned with in this matter:

103. In cases not falling under any of the foregoing heads, the States may lawfully pass laws relating to the subject of the power, unless and until Congress shall take action for exercising the power with which it is invested. But in such cases of concurrent authority, when Congress exercises its power it thereby supersedes and suspends all existing State legislation on the same subject, and prohibits similar State legislation until it shall again leave the field unoccupied.

This principle is stated in 15 *Corpus Juris Secundum*, page 273, as follows:

SEC. 15. Where Congress regulates commerce by enacting a statute, within its competency, that covers the same subject matter as, or is in direct conflict with, a State statute, the exercised power of Congress is not only supreme and paramount but also exclusive superseding the State law and excluding additional or further regulation covering the same subject by the State legislature. This is true regardless of the authority under which the State may have acted. The same result follows from the regulation of an agency or instrumentality of commerce by the Interstate Commerce Commission or by the Secretary of Commerce by virtue of power properly delegated by Congress.

Senator KUCHEL. Are you suggesting that the enactment by Congress of water pollution legislation would constitute a regulation of commerce?

Mr. OLDS. I have been considering, sir, whether the authority here exercised is under the general welfare clause or under the commerce clause.

Senator KERR. Or under the general police power.

Mr. OLDS. Actually the Federal Government has not got the ordinary police powers of the State.

Senator KERR. No; but it has a general provision.

Mr. OLDS. It has implied powers, which are the same as police powers.

Regardless under what authority it establishes it, the principle is so well established that once it occupies a field, the States are ousted from that field, and later on I will give citations from another authority which explains why that occurs, if I may be permitted to continue.

Senator KUCHEL. Excuse me, Mr. Chairman.

Mr. OLDS. The following are some of the annotations appearing in the reference from 15 Corpus Juris Secundum:

LAW OF LAND. A law of Congress regulating interstate commerce enacted pursuant to express constitutional sanction is the supreme law of the land, anything in the Constitution or laws of any State to the contrary notwithstanding, and is controlling on both State and Federal courts. *D. C.-Pittsburgh & W. V. Ry Co. v. Interstate Commerce Commission*, 293 F. 1001, 54 App. D. C. 34, appeal dismissed, 45 S. Ct. 124, 266 U. S. 640, 69 L. Ed. 483; *Miss-Stoner & Co. v. Blocton Export Coal Co.*, 100 So. 5, 135 Miss. 390.

LEGISLATION AND DECISIONS. (1) After Congress has taken exclusive control of a particular field of interstate commerce, it is governed by the laws enacted by Congress, and by the commonlaw principles accepted and enforced by the Federal courts to the exclusion of State laws and State rules and policies. *Northwestern Consol. Milling Co. v. Chicago, B. & Q. R. Co.*, 160 N. W. 1028, 135 Minn. 363, certiorari denied, 38 S. Ct. 8, 245 U. S. 644, 62 L. Ed. 528.

(2) On a question of interstate commerce, State laws must give way to Federal laws, whether such laws take the form of judicial decisions or legislative enactments. *Western Union Telegraph Co. v. Bowles* (98 S. E. 645, 124 Va. 730.)

I would like to emphasize this next paragraph in particular:

POLICE POWER. A Federal statute regulating interstate commerce is paramount to the police power of a State. *Monumental Brewing Co. v. Whitlock* (97 S. E. 56, 111 S. C. 198.)

This same principle is expressed in 11 American Jurisprudence, page 871:

b. ACTION BY CONGRESS. 175. In Concurrent Field of Legislation.—It must be noticed that our scheme of Government contemplates the delegation of certain and defined powers to national control and the reservation of equally certain powers to State or local control. Although there is with respect to the existence and location of those powers no conflict between State and Federal sovereignties, yet, in a complicated system such as ours, wherein exist two governments over the same people, in which in different ways the laws first of one and then of the other are supreme according to the authority under which they are enacted and with reference to the subjects to which they are addressed, conflicts in the exercise of those powers are inevitable.

The Supreme Court at an early date laid down a broad formula which from that time has been the general principle governing the possibility of State exercise of power. The Court held that the States may exercise concurrent or independent power in all cases except three: (1) Where the power is lodged exclusively in the Federal Constitution; (2) where it is given to the United States and prohibited to the States; (3) where, from the nature and subjects of the power, it must necessarily be exercised by the National Government.

This is the important paragraph in this citation:

By reason of the provisions of the United States Constitution that the Constitution and laws passed in pursuance thereto shall be the supreme law of the land—

This is known as the supremacy clause, section 2 of Article VI —

* * * if a law passed by a State in the exercise of its acknowledged powers comes into conflict with an act of Congress, the State law must yield. The Federal and State legislatures cannot occupy the position of equal opposing sovereignties, because the Constitution declares the supremacy of the laws passed in pursuance thereof. The principle is therefore fundamental that State laws must yield to acts of Congress within the sphere of its delegated power. It is very obvious that where Congress has under the Federal Constitution the right of exercising exclusive jurisdiction and puts forth its power to cover the field, State legislation ceases to have efficacy; for when Congress passes a law in that field of legislation common to both Federal and State governments, the act of Congress supersedes all inconsistent State legislation. Congress in regulating a matter within the concurrent field of legislation speaks for all of the people and all of the States, and it is immaterial that the public policy embodied in the congressional legislation overrules the policies theretofore adopted by any of the States with respect to the subject matter of such legislation.

Therefore, as we see it, an important decision faces the States, and it is this: Do they want the Federal Government to enter directly into the field of pollution abatement and enforcement to the extent that it will oust the authority of the States in large segments of their waters?

One need but read the decisions of the Supreme Court of the United States to be quickly convinced of the ease with which that Court has construed congressional acts as forming the basis for the assumption of authority by the Federal Government to the exclusion of the exercise of authority by the individual States. The famous Phillips case—*Phillips Petroleum Co. v. Wisconsin*, 347 U. S. 67, just decided last summer—is a clear-cut illustration of this tendency. That is a case that involved the construction of the Natural Gas Act.

Another illustration of the assumption of authority by the Federal Government over the waters of the State is the case now pending in the Supreme Court, namely, *State of Oregon v. Federal Power Commission*. The State filed this suit against the Federal Power Commission to determine whether that Commission had the right under Federal law and the Federal Constitution to grant a power company an exclusive permit to construct a dam on the Deschutes River, admittedly a nonnavigable stream.

The Federal Power Commission is contending that despite its non-navigability it has the right and authority to grant such a license without any reference to the constitution and statutes of the State of Oregon.

Although it has been recognized that the Federal Government had the power to regulate commerce on the navigable waters of the States, this is the first time that it has asserted such authority in nonnavigable waters.

Therefore, we are justly apprehensive of having Congress enact into law the grant of authority to the Surgeon General to abate and control pollution in waters which are so broadly and loosely defined as "interstate waters" in section 10 (e). Once the authority of the Federal Government attaches, no one can prognosticate the extent to which it will grow.

In reading this proposed legislation, one can but wonder what was in the minds of those that conceived it. In section 1 there is a declaration of recognition of prime responsibility in the States and then in section 8 there is a direct grant of authority to the Surgeon General to abate pollution without first securing the consent of the States affected, as is now contained in Public Law 845 of 1948.

Senator KERR. Your position is that, therefore, section 8 not only limits section 1 but nullifies it; is that correct?

Mr. OLDS. It does.

Senator KERR. You may proceed.

Mr. OLDS. If it was the real intention of the drafters of this bill “* * * to recognize, preserve and protect the primary responsibilities and rights of the States in preventing and controlling water pollution,” why then destroy that primary responsibility by granting direct abatement authority to the Surgeon General. This is a species of “double talk” that we find it hard to accept.

May we be permitted to read a few excerpts from the letter of transmittal dated January 31, 1955, addressed to Hon. Sam Rayburn, Speaker of the House of Representatives by Oveta Culp Hobby, Secretary of the Department of Health, Education, and Welfare. The Secretary stated:

The congressional policy as contained in the present Water Pollution Control Act is to protect the public health and welfare by the abatement of water pollution, recognizing that primary responsibility for control of water pollution rests with the States and that the Federal role is one of research, State support, coordination, and control over interstate pollution.

The draft bill would continue this congressional policy.

In discussing this bill further it is stated in this letter:

Another amendment would simplify the enforcement procedures by eliminating two of the present requirements, namely, that a second notice be sent to a person contributing to or causing pollution of interstate waters, and that the consent of the State in which the discharge originated be obtained prior to court action, if such court action should be necessary to abate the pollution. These revisions would result in a substantial reduction in cost of enforcement procedures, and would make the Federal enforcement program more effective by reducing delays and by removing the danger that it might be nullified by the veto power implicit in the State consent requirement.

It can be seen from the above language in this letter that the Secretary failed to advise the Speaker of the House of Representatives of the constitutional and legal implications flowing from the assumption of direct authority by the Federal Government in the abatement of pollution.

Why did not the secretary frankly inform the Speaker of the House of Representatives that in effect this proposed bill would oust and supplant the States in the enforcement of their laws over a large segment of their waters?

Why was the Speaker of the House of Representatives not informed that in order to carry out the enforcement provisions of the act it would be necessary to set up a corps of enforcement officers all over the country with the results that instead of “* * * a substantial reduction in the cost of enforcement procedure * * *” the Federal Government would have to shoulder a greater financial burden to pay for direct enforcement.

Why was not the Speaker of the House of Representatives informed that although the avowed purposes of the bill, as expressed in section 1, were to recognize the primary responsibility of the States of pollution abatement, nevertheless, the Federal Government intended and did by these proposed amendments assume and take over a large part of that burden now carried by the States and to the exclusion of the authority of the States.

Although there seems to be reluctance on the part of those who drafted this bill to continue working under the principle which would

require that consent of the States concerned be first secured before the Surgeon General has authority to abate pollution, there is nothing in the letter of transmittal which indicates that that requirement has been a stumbling block or has delayed or has thwarted the efforts of the Federal Government to abate pollution of a genuinely interstate character.

I have been trying for days to find out any specific names of cases that the Surgeon General asked for the consent and was denied.

So far nobody has been able to turn one up for me.

Senator KERR. Is the attorney for the Department of Health, Education, and Welfare present?

Mr. SAPERSTEIN. Yes.

Senator KERR. Mr. Saperstein, was that not a point of inquiry by the Chairman to you the other day?

Mr. SAPERSTEIN. No, sir; it was not.

Senator KERR. Did I not ask you if you had ever asked for that consent?

Mr. SAPERSTEIN. No; the point of discussion between us, Mr. Chairman, was what officers in the State would have the authority to give consent, and whether in some States it would not be necessary to get legislative action.

I agreed with you that it might be necessary. It is a question that we have been troubled about in the Department ourselves, and I indicated to you then, Mr. Chairman, that we would have to go to the Attorney General to find out whether any officer in the State had that authority.

Senator KERR. I seem to have that recollection, that it was brought out in that conversation that there had never been a request for that.

Mr. SAPERSTEIN. I would have to check with the other men in the Department.

(Thereupon, Mr. Saperstein checks with associates.)

We never have.

Senator KERR. Does that answer the question?

Mr. OLDS. That answers it.

I might even answer counsel for the Department to this effect, that regardless of whether statutes in a particular State permit the granting of consent or not, it would seem that before it can be said that this consent provision is a stumbling block, specific instances of requests and denial or at least failure of States to give it, for whatever reason, should have been built up before they can come in and ask for more authority and have that removed.

Senator KERR. In the absence of legislation, which assumes the prerogative and responsibility for the Federal Government, and thereby supplanting that of the State government, is not the matter of the procedure of the States, giving its consent, and whether or not it gives its consent one which is to be decided solely and exclusively by the State in the manner that it sees fit to decide?

Mr. OLDS. Yes, sir.

Senator KERR. But once the Federal Government assumes and takes the responsibility for itself, the element of consent then becomes of no significance whatever, because the State's authority in the matter has thus been in effect destroyed?

Mr. OLDS. That is right.

Senator KERR. You may proceed.

MR. OLDS. From the careful reading of section 8 (a), it appears obvious that the purpose of lodging enforcement and abatement powers in the Surgeon General is to protect one State against injury which it may receive at the hands of another or neighboring State. The philosophy back of it seems to be that the injured State is helpless and powerless to protect itself or its interests against injury which is inflicted upon it by another State. When the Surgeon General “* * * on the basis of reports, surveys and studies has reasons to believe * * *” that such an act of villainy is occurring he is then authorized to rush to the rescue of the injured State, without even as much as securing the official consent of the State whose rights and interests are being injured. We could at least find plausibility in a grant of authority to the Surgeon General which he could exercise at the behest of the offended State, but to clothe him with authority to act on his direct responsibility and without first consulting with and securing the consent of the injured State smacks too much of some covert design to secure authority for purposes other than those which appear on the face of the bill.

SENATOR KERR. I would like to ask you a question there. Do you not contemplate the possibility that this request for this legislation, and, therefore, for this authority could possibly be the result of a lack of full knowledge of the extent of the authority requested and its ensuing effects nullifying the State authority, rather than it having occurred, as you say here, by some overt design?

MR. OLDS. That may be a possibility, and I would be willing to concede that it was in good faith, since I have had a chance to talk to the people here.

We are not here just to oppose something for the sake of being “aginnners.” We sincerely believe that here before us is a fundamental principle involving the constitutional relationship that should be preserved between the National and State Governments.

We are here anxious to make a constructive contribution in helping to win the sharp and constant battle against the pollution of our waters.

In this particular instance, the integrity of the sovereignty of the States can only be maintained if the Surgeon General is given pollution abatement authority only in those specific cases in which State action and interstate cooperation has broken down.

We believe that some thought should be given in this committee to the idea that the exercise of the abatement authority of the Surgeon General should depend not on the consent of the State in which the pollution originates, but rather on the request and consent of the State which is being injured by the pollution.

In this way, there will not occur any general ouster of the States from exercising their authority and the Surgeon General will not be faced with the anomaly of securing the consent of the State against whom or against whose citizens and municipalities he expects to bring suit.

There are those who will say that unless the Federal Government assumes the role of pollution abatement officer in “interstate waters” by whom and how will the job be done? May we inform such people, who suffer under the delusion that all our problems can be solved by dumping them at the doorstep of Uncle Sam, that there exists legal

and constitutional authority in each State of the Union to bring an original action in the Supreme Court of the United States to compel a neighboring State to abate pollution of water which causes injury to the complaining State. Such suits have been filed and the sanitary district of Chicago has been busy during the past decade constructing sewage disposal systems as the result of the famous lake diversion case brought by Michigan, Wisconsin, and other Great Lakes States. So there is ample legal authority now in existence and the States should be encouraged in using it instead of being deprived of their authority by this proposed legislation.

Because Michigan is presently a member of a prospective compact composed of all the Great Lakes States, which, among other things, would concern itself with pollution of the waters in the Great Lakes Basin, we wonder whether any thought has been accorded to the effect which these bills would have on the interstate compact bodies that have been recently formed by groups of States to control and abate pollution in large river watersheds?

Senator KERR. May I ask a question there? Have the States of the Great Lakes area requested the bodies of the Congress to enter and create such a compact?

Mr. OLDS. Our State just passed its act approving the act; Indiana has done likewise. Other States are considering it.

We would propose that an act be passed by Congress approving this compact. However, the compact will not go into effect until four States by the legislatures have approved it.

We have been told that it would be better to wait until the four States have approved the compact and then submit it to Congress for approval.

Senator KERR. And it is your purpose so to do?

Mr. OLDS. Yes, sir; we plan to do so.

Senator KERR. It is the thesis of your position here basically that the interstate compact approach would be effective and more effective on the basis of preserving the primary responsibilities and rights of the States, and you feel that that is the avenue of approach to bring about the solution of this problem.

Mr. OLDS. Yes, sir; and that should be encouraged, not discouraged, as this act would do. I did not go into the effect of this act on compacts. I did not go into it exhaustively, that is.

I will name the committees that are in existence that have to do with water pollution in the large river basins.

For example, the Interstate Commission on the Delaware River Basin, Interstate Sanitation Commission, Interstate Commission on the Potomac River Basin, New England Interstate Water Pollution Control Commission, Ohio River Valley Water Sanitation Commission.

The waters over which these interstate bodies exercise authority unquestionably come within the definition of "interstate waters," and under the congressional supremacy principle hereinbefore set forth the primary authority of such bodies would be ousted and supplanted by that of the Surgeon General. At least such a legal cloud would be cast over their jurisdiction that long and protracted litigation would ensue.

In recent years the trend of having States solve regional and many interstate problems by the medium of interstate compacts has taken

firm root. Many of our States are finding this method to be very satisfactory and are using it in lieu of greater Federal control and regulation. The proposed bill would halt this salutary trend in the field of pollution abatement because the occupancy of the field by the Surgeon General would render it constitutionally impossible for the States to utilize the interstate compact clause.

But transcending the immediate problem before us, the greatest threat this bill presents is that it continues the onward surge of the arrogation by the Federal Government of authority, duty, and responsibility which should be left to the States. This imperceptible, but pernicious assumption of authority, particularly when there is no showing for its need, will ultimately bring about the complete disintegration of the sovereignty of the States; and unless this trend is checked and halted the day is not too far distant when our States will no longer be sovereign governmental entities under the Constitution, but will be relegated to the role of vassal provinces.

In conclusion may we say that unquestionably the Federal Government should exercise a useful, needful, and proper role in this field; and Mr. Adams in his presentation has very ably defined such a role. These functions it can perform without usurping or assuming any of the police powers of the several States in the field of enforcement of pollution control laws.

Senator KERR. Thank you very much, Mr. Olds for a very able and pertinent statement.

Do you think that the present law should be extended?

Mr. OLDS. Mr. Adams yesterday in his testimony recommended that if suitable amendments could not be agreed upon at this time that the present law be extended so as to give the States a chance to work out some satisfactory solution.

I might say that so far as our State is concerned, at no time were we advised or consulted on the proposed legislation,

The first we knew of it was when it was in printed form. I received it from the council of State governments in Chicago. It just suddenly appeared without any prior consultation or conferences with us, and I think that is the experience that all the other States have had, and we think certainly that something could be worked out that is better than what we have on the books right now; but we think it will take a little time and some consulting and conferring.

Senator KERR. Do you approve of the present law?

Mr. OLDS. Generally it is all right. It has many inefficiencies and things that have got to be changed, and amended to make it more effective.

I personally just cannot go along with this idea that the Surgeon General should receive the consent of the polluting States. I would like to see that changed, but still I say I am only talking as an individual.

I would like to see that changed to his securing the consent of the offending State.

Senator KERR. Let me say that speaking for myself only, and no other member of the committee, that I am far more in accord with your position than I am with the contents of the bill; so my questions of you are not in any way for the purpose of starting a controversy with you.

Mr. OLDS. I appreciate that.

Senator KERR. Because I would not favor any bill that would not completely and adequately safeguard both the sovereignty and responsibility, and position of the States in this matter.

I do recognize the absolute need for more inclusive action to prevent and correct and abate pollution, and I would hope that a formula could be developed that would encourage and promote that and be consistent with the statement that you just made.

Mr. OLDS. That is exactly our feeling, Mr. Chairman.

Senator KERR. That is the reason I would like very much to have the benefit of your judgment as to the value of the present bill, whether it should be extended.

You know, it automatically ends one of these days in the absence of other legislation, and if it should be extended with what amendments, if any, what is your opinion?

Mr. OLDS. Would it be in order for us to ask that during the course of the next week, after we return home, that we submit to the committee our ideas of amendments?

Senator KERR. I would for myself not only recommend it but require it. I will be glad to have the other members of the committee express themselves.

When you refer to the fact that information of this bill and what it might mean came to you through the council of State governments, I have a very high respect for that organization personally.

I wonder if they have personnel able and qualified in this field of legislation who may have studied this bill, as well as the problem, and if they are in a position to give us the benefit of their recommendations.

Mr. OLDS. I think they have, sir.

Senator KUCHEL. Mr. Chairman.

Senator KERR. Senator Kuchel.

Senator KERR. Yesterday, the representatives of my State in their testimony set forth specifically their conception of what amendments might be considered by this committee.

My question is if you have a sufficient understanding of their recommendations so that you might joint in them for consideration by the committee, plus any additional comments you would have to make.

Mr. OLDS. We are familiar with their recommendations and are in accord with them. I think they did not touch this basic thing of State and Federal jurisdiction in their proposed amendments, however. This is the key to the heart of the problem right here.

Senator KERR. Would you please say that again, Mr. Olds?

Mr. OLDS. This is the heart of the problem, this question of State versus Federal jurisdiction and how we are going to solve it.

Senator KERR. I am sure in my own mind that the Department of Health, Education, and Welfare is seeking an objective which is salutary without any purpose whatever to supplant or nullify the responsibility and the sovereignty of the States.

I am confident of that.

Senator KUCHEL. There should be no question about that. That is right.

Senator THURMOND. Mr. Chairman.

Senator KERR. Senator Thurmond.

Senator THURMOND. I have not yet had the pleasure of meeting Mr. Olds, but I just want to say I have been deeply impressed with his testimony.

This gentleman has a conception and properly envisions the line of demarcation between the rights of the Federal Government and the States, and I am delighted to see that he has taken a position here to conform to that principle in the Constitution segregating the powers of the Federal Government from the States.

I realize in some cases the line of demarcation is thin, but yet in others it is fairly plain, and I just want to commend you, Mr. Olds, for your statement.

Some of us people in the South who have stood for the rights of the States and the prevention of Federal encroachment upon the rights of the States have had attributed to us ulterior motives of one kind or the other; but regardless of where we live, in the South or the North, or the East or the West, one of the most important problems for this country today is preserving the rights of the States under the Constitution.

Mr. OLDS. Thank you.

Senator KERR. Do you have other questions, Senator Kuchel?

Senator KUCHEL. No.

Senator KERR. Senator Symington, do you have questions you would like to ask?

Senator SYMINGTON. No, Mr. Chairman.

Senator KERR. Thank you very much, Mr. Olds.

(The letter from Mr. Olds on suggested amendments follows:)

MAY 3, 1955.

Re S. 890.

Hon. ROBERT S. KERR,

Senate Office Building, Washington, D. C.

DEAR SENATOR KERR: At the time I testified before your subcommittee Tuesday morning, April 26, I asked for and received permission to submit amendments that we thought would be appropriate.

Before leaving Washington, we had an opportunity to confer and consult with representatives of several of the States and of the interstate compacts. We from Michigan believe that the solution to the basic constitutional question might be found by amending the present law so that the Surgeon General has the consent of the State injured by the pollution instead of the State in which the pollution originates. Nevertheless, we found that representatives of the other States were not quite ready to go along with such a proposal. At least, they felt that the matter should be reported back to their home States and an opportunity given to discuss it before they made a decision one way or the other. We also feel that it would be more satisfactory if the people of our State were first advised of the proposed change and given an opportunity to pass judgment on it.

As to other amendments we have in mind, we believe that the same procedure should be followed. The question of giving authority to the Surgeon General to determine standards involves highly technical and complicated problems and should not be hastily decided without a full opportunity afforded interested people in the various States to discuss and consider them. It is unfortunate, of course, that the proponents of this bill failed to consult with the pollution control officials of the States while the bill was being drafted and before it was introduced. Had that been done it may be that today instead of having such an avalanche of opposition, the proposed legislation would have received fairly widespread support.

Consequently, we would like to advise you that in conformity with the recommendations made by Mr. Adams in his statement, concurred in by many officials from other States, that the present law be extended for a sufficient length of time so that the States may have a fair opportunity to review this whole problem and then come before the Congress with amendments about which there will be

a greater measure of agreement. Those who oppose this course will say that the present law is unworkable and for that reason the Budget Bureau deleted an item of \$145,000 to the Public Health Service for enforcement. You will recall that during my testimony it was brought out unequivocally that up to that time the Public Health Service had never requested the consent of any State.

It is unfortunate that this appropriations item was cut out in action taken by the House of Representatives on March 21 (H. R. 5046). We believe that it should be restored in the Senate because there are those who say that until it can be proved that the present requirement of consent of the offending State is unworkable, no change should be made. However, it would be impossible for the Public Health Service to demonstrate whether the present requirement is or is not workable unless it has the funds with which to test it. There may arise instances in which the authorities of the State in which the case of pollution originates may be anxious to give consent to the Surgeon General, but unless he has the funds with which to function when called upon, the whole process would be nullified. We trust that you will exert your influence to a restoration of this item in the budget of the Public Health Service when it comes before the Senate Committee on Appropriations.

You may rest assured that we in Michigan will not sit idly by while such a point of vital difference remains unsolved. It is our intention to exert every effort toward bringing about consultation with the other States and interstate agencies during the next year with the hope that in the next session of this Congress amendments may be proposed which we can support and on which there may be general agreement from the other States. It will be clear from the above why this letter cannot contain the specific amendments to the bill which you invited and which it was my intention to provide.

I would like to express at this time my sincere thanks for the courteous and considerate attention with which our views were received by your subcommittee during the hearings.

The contents of this letter have the approval of Thomas M. Kavanagh, attorney general, and G. Mennen Williams, Governor of our State.

Very truly yours,

NICHOLAS V. OLDS,
Assistant Attorney General.

Senator KERR. Mr. Harold Jacobs is our next witness, and I understand he is accompanied by Dr. Raymond Hess and Mr. Walter Penfield.

Mr. JACOBS. Mr. Chairman, if it is possible, I and Dr. Hess would like to appear on Senate bill 890, and Mr. Penfield would appear on the other bill, Senate bill 928.

Senator KERR. Have a seat, please, and give your identification, name, and association to the reporter, and you may proceed with your statement.

STATEMENT OF HAROLD JACOBS, MANUFACTURING CHEMISTS ASSOCIATION, ACCOMPANIED BY DR. RAYMOND HESS, MANUFACTURING CHEMISTS ASSOCIATION

Mr. JACOBS. My name is Harold L. Jacobs. I am a chemical engineer with the Du Pont Co., of Wilmington, Del., and I am appearing before your subcommittee as vice chairman of the water pollution abatement committee of the Manufacturing Chemists Association.

Dr. Hess is a former chairman of that committee and is familiar with water pollution abatement questions.

Our association is a nonprofit trade organization composed of 143 chemical companies, both large and small, which produce over 90 percent of all the industrial chemicals manufactured and sold in the United States.

For more than 15 years, our association, through its water pollution abatement committee, has sponsored and furthered a voluntary program of water pollution abatement by the members of the Manufacturing Chemists Association and by the chemical industry in general. Most of our committee members deal directly with the State agencies in negotiating corrective measures on specific pollution problems.

Our committee sponsors regional workshops and an annual conference at which time valuable technical information is exchanged regarding water pollution abatement methods, developments, and programs. We also have a technical publications program. Our member companies operate plants in 43 of the 48 States.

Our purpose in appearing before you today is to express our views on certain portions of Senate bill S. 890, introduced by Senator Martin.

While the declaration of policy to preserve the primary responsibility of water pollution to the States is exemplary, it is merely a reiteration of the policy set forth in Public Law 845, already in force and supported by us at the time of adoption. Moreover, specific sections of the bill are totally inconsistent with such expression of policy.

Senator KERR. You understand that S. 845 terminates one of these days, do you not?

Mr. JACOBS. That is right.

Senator KERR. And that the declaration of policy of S. 845 would not be a legislative policy after that date unless reenacted?

Mr. JACOBS. That is right, sir.

Senator KERR. Proceed.

Mr. JACOBS. I might say that I do not feel in any way that there has been any overt attempt to deviate from the declaration of policy in the further sections of the bill, although we feel that it does.

Senator KERR. I take it you do have an objection with due regard to the approach.

Mr. JACOBS. We refer specifically to sections 7 and 8 of the proposed bill. Under section 7, the Surgeon General would prepare standards of quality applicable to interstate waters, thus as a practical matter extending his control to the tributaries that feed such interstate waters.

Since the inherent authority of the various States to control their own pollution problems must, necessarily continue, the adoption of standards by the Surgeon General can only result in confusion. It was the intent of the Congress in approving Public Law 845 that sovereign authority in the establishment of standards pertaining to pollution abatement rested in the hands of the States. We believe that this authority should still remain with the States.

There are local problems on tributaries to interstate streams for which an economic solution is unknown. These situations are accepted locally with tacit understanding that corrections will be made when feasible. We are thinking of drainage from abandoned mines in Pennsylvania, West Virginia, and Virginia which contribute to the pollution of the Ohio River. This problem will be solved in time but there is no satisfactory answer at present. The Surgeon General cannot be as cognizant as the State agency of local problems which could influence interstate streams. Therefore, the power to control water pollution should continue to reside in the States.

Under section 8 of the proposed bill, the United States Attorney General can bring suit in behalf of the United States to secure abate-

ment. In this action and in all preliminary proceedings, the Surgeon General does not require the approval of the local State or interstate agency, thereby completely overruling any action which they might feel advisable in the light of the local conditions existing at the time. This is again an overruling of the sovereign authority of the States, which was specifically covered in Public Law 845 and detailed in the declaration of policy in S. 890.

We believe that the primary reason urged by the Department of Health, Education, and Welfare for the adoption of the proposed bill is the alleged failure of the current pollution abatement program, and the need for a more stringent approach.

At the meeting of November 22, 1954, between representatives of the Department of Health, Education, and Welfare and those of professional, industrial, and conservation groups, the Department presented information which, in its opinion, indicated that the pollution problem in the United States was steadily growing worse. As a matter of fact, the announcement for the meeting was introduced by the statement that "significant increases in water pollution and its economic impact make it urgent to develop more effective means of stimulating necessary remedial measures."

It is our contention that the pollution problem is not growing worse but is steadily being improved, particularly in the heavily industrialized areas of the country. In support of this position, we would like to discuss and quote from two annual reports of interstate agencies. We have examined the Seventh Annual Report, 1954, of the New England Interstate Water Pollution Control Commission, which is supported by the States of Connecticut, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.

Under a section entitled "Construction of Pollution Control Works," this report states and we quote:

Substantial progress in the construction of pollution control works during the year is a tribute to the intensive work carried on by the State water pollution control agencies and to the cooperation being received from municipalities and industries. * * * The construction of sewage works is particularly encouraging in view of large municipal expenditures occasioned by population growth in many communities. * * * Since 1949, construction of sewage works valued at over \$106 million has been completed or started in the New England compact area. These works include 41 new sewage treatment plants serving a total population of over two million and, in addition, treating large quantities of industrial wastes. * * * The cooperation of industry is commendable and many industrial waste treatment works were installed during the year, but data on costs and capacities are not sufficient to permit the presentation of complete information showing industry's part in the pollution control program.

The programs in the industrial States are discussed separately. I am sure that the committee would find the entire report interesting and informative, but we are including excerpts in connection with only two of the States.

With reference to New York State, the following statement appears:

The average number of plans reviewed and approved annually in the 3 years prior to 1949, was about 500, while for the past 5 years the average was 700 annually, with over 800 in 1954.

In discussing the situation in Rhode Island, the report contains this statement:

the State has continued its very effective pollution abatement program.

Also worthy of consideration is the Sixth Annual Report (1954) of the Ohio River Valley Water Sanitation Commission. The Ohio River compact coordinates the pollution abatement activities in the States of Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, Virginia, and West Virginia. Since many of the States bordering on the Ohio River, and whose tributaries discharge to it, are heavily industrialized, pollution problems of considerable magnitude exist. The statements which follow and which are taken from the report mentioned above indicate that conditions are improving rather than growing worse.

The opening statement is as follows:

We are witnessing the greatest impetus ever experienced in the Ohio Valley in the completion, construction and planning of municipal sewage-treatment facilities. * * * Forty-five percent of the population has treatment facilities—a gain this year of 3 percent. Nine percent has treatment facilities under construction—a gain this year of 4 percent. Twenty-six percent has received approval on construction plans—a gain this year of 10 percent. * * * Population served by sewage-treatment facilities during the past 6 years increased at a rate 4 times faster than was the case in a similar period prior to the establishment of the commission. * * * Thirty percent of the 1,190 industries discharging directly into streams of the compact district are now rated by the State agencies as having adequate treatment and control facilities. Another 36 percent have provided some control, not all of which is considered adequate. There are 32 new installations under construction and plans for construction are now in progress by another 129 industries. * * * Investigations, public hearings, and the promulgation of requirements for sewage discharges have been completed for the entire 981 miles of the Ohio River from Pittsburgh to Cairo.

A further quotation of significance is as follows:

The picture is one of continued acceleration each year in the completion, construction, and planning of sewage-treatment facilities. The record speaks for itself, and the commission acknowledges with pride the efforts made by each of the eight States in the significant strides forward that have been made to safeguard water resources in the compact district.

Through Public Law 845 there was organized in 1949 the National Technical Task Committee on Industrial Wastes to determine and divulge methods and programs for pollution abatement of industrial waste. Representation includes those from State agencies and United States Public Health Service, as well as industry. There has been enthusiastic response by industry to this program and the Public Health Service has rendered excellent assistance and guidance through its Robert A. Taft Sanitary Engineering Center. Thus, through this committee, the problems of industry, countrywide, are covered and excellent progress has been made. Technical information flowing from the committee is, of course, made available to State and interstate regulatory agencies.

Industry is also cooperating fully in abatement programs through its representation on the industry committees of various State and interstate commissions whose overall objective is effective, sound, and economical pollution abatement. The Manufacturing Chemists Association shares in these various operations through representation by members of its water pollution abatement committee.

We believe that pollution is being abated in this country by industry and municipality through the action being taken by the State and interstate agencies. Furthermore, the incorporation of waste treatment and disposal facilities in new construction is the policy of the chemical industry and the requirement of most State pollution con-

trol agencies. We feel that more progress can be achieved by implementing and improving the operation and efficiency of the State and Federal agencies than by changing the existing legislation at the Federal level.

Our association believes that passage of this bill is unwise, since it would not materially assist either industry, State, or interstate agency in effective pollution abatement.

Additionally, Mr. Chairman, I would like to comment in regard to what we feel is a very important part of this picture, the progress that is being made, in my own experience, on the Delaware River. I think no one can deny that the Delaware River in the past 5 to 10 years has improved immeasurably.

Philadelphia has spent a great deal of money, some \$60 million, I believe, in controlling its sewage disposal. The Corps of Engineers has done a great deal in cutting down the pollution of oil from both industries and from the vessels that pass to and fro.

Last fall, at the time of one of the driest periods in several years, the dissolved oxygen failed to reach zero, three parts per million of dissolved oxygen was the lowest reading. That was obtained from a regular sampling.

That means this year there were no fish killed in the Delaware, and I cannot help but feel that the Delaware is well on its way to complete recovery. From Pea Patch down, it is in good condition. The oyster beds and the food life for the fish is all in very good condition, and I can say really, with that as an example, and with other rivers as well, that we are on the road to recovery.

Senator KERR. Thank you very much, Mr. Jacobs.

I would like to ask you this question: You say that we feel that more progress can be achieved by implementing and improving the operation and efficiency of the State and Federal agencies than by changing the existing legislation at Federal level?

You are aware that the Department of Health, Education, and Welfare takes the position that this bill will enable them to implement and improve the operation of the Federal agencies, are you not?

Mr. JACOBS. I believe they now have that opportunity under existing legislation.

Senator KERR. Your view is, and that of your association, that present or existing law should be reenacted without amendment?

Mr. JACOBS. I believe that is the best policy; yes, sir.

Senator KERR. What would you say with reference to additional funds for research under the reenactment of the existing law?

Mr. JACOBS. I believe that that is a very excellent feature. I am in favor of additional funds for research.

I, certainly, and I believe all of us, are heartily in favor of the work being carried out at the Taft Sanitary Engineering Center.

Senator KERR. You would favor the expansion of the present program to the extent that the elements of the situation would require or indicate requirement, but that the principles of the present legislation remain unimpaired?

Mr. JACOBS. Yes, sir; that is right.

Senator KERR. Thank you very much, Mr. Jacobs. Did you say that Dr. Hess also represents your association also on water pollution?

Dr. HESS. Mr. Chairman, I have nothing to add to Mr. Jacobs' statement.

Senator KERR. That is a very unusual position to take. I would say that there would be no requirement on the part of the chairman either that you compliment or praise him to that extent or assume a posture of that degree of modesty.

However, if that is your desire, there would be no tendency on my part to ask for a further statement of your position.

Do you approve of what he says?

Dr. HESS. Yes, Mr. Chairman, I fully approve the statement made by Mr. Jacobs.

Senator KERR. And the position taken?

Dr. HESS. Yes, sir. Thank you very much.

Senator KERR. Is Mr. Patrick Healy here?

Mr. HEALY. Yes, sir.

Senator KERR. Come around, Mr. Healy. Identify yourself and proceed with your statement.

STATEMENT OF PATRICK HEALY, JR., EXECUTIVE DIRECTOR OF THE AMERICAN MUNICIPAL ASSOCIATION

Mr. HEALY. Mr. Chairman and members of the subcommittee, I am Patrick Healy, Jr., of Washington, D. C. I am the executive director of the American Municipal Association, which is the one big national municipal organization, representing 12,000 municipal governments in 44 States.

I would like first to present the municipal position with regard to the problem of water pollution control, which relates specifically to Senate bill 890.

Mr. Chairman, the United States is becoming an urban, industrial nation; and we are told that the streams simply can no longer take the load of pollution that we are putting on them. About 100 million of this country's people live in cities. It was brought out at the Mid-century Conference on Resources for the Future a year ago last December that 25 million of these people live in cities served by adequate treatment.

Thirty-one million are in communities with no treatment at all. The rest are served by forms of treatment that are considered inadequate by their State authorities. We have had some 700-percent increase in industrial production since 1900, over half of which has occurred in the last 10 years. It is estimated that the present urban population will increase one-third in the next 20 years and that industrial production will again double.

These facts explain the pressures for adequate water pollution control, and these pressures eventually resolve upon municipalities and private industry for construction of waste treatment works.

From the standpoint of the cities depending on surface waters for their drinking water supply, pollution control by other cities and by industries upstream becomes a vital matter.

There is sometimes less disposition to be worried about the people downstream. It is often difficult to persuade the voters to authorize a very large bond issue for construction of a sewage treatment plant which is primarily for the benefit of the people downstream.

Senator KERR. If we passed a law that no untreated sewage could be dumped into a stream going on beyond the place where the dumpage

took place, that would be a very persuasive feature in connection with that problem, would it not?

Mr. HEALY. You mean persuade the voters of that city?

Senator KERR. Yes; that they would either keep it or treat it so it would not be a nuisance or an element of damage to others.

Mr. HEALY. It could be quite persuasive; yes, sir. But you find that many cities are unable to issue bonds to construct these treatment plants, if they are ordered to construct by some State authority.

There are examples of that. There is an example in Maryland where the State health authorities have ordered the municipality to construct a sewage-treatment plant. The cost of that plant would be greater than the total assessed valuation of the city. It cannot possibly construct a plant.

Senator KERR. Do you mean that they are creating a nuisance that they are financially unable to handle?

Mr. HEALY. Yes, sir. We have a solution that we are going to suggest on that, Mr. Chairman.

Senator KERR. Very well. I am going to listen with interest.

Mr. HEALY. If I may digress here on that very same point, there is a great deal of discussion before this committee about States' rights versus Federal control and the legal phases involved, but it all comes down to when they get through arguing about who has the control, then it comes down to the question of who you are controlling, whether you are controlling the city, and it is the city that is finally the one that is going to have to build the treatment works or private industries.

Other factors entering into the difficulty from a city's standpoint are their limited taxing powers and financial ability to construct these expensive facilities. In many cases it is simply impossible because of a restricted tax base and restricted borrowing ability.

Likewise, it could become an impossible burden on private industry to build waste-treatment works and might result in closing up that particular industry entirely with detrimental results in the way of employment for the people of that particular city.

With these considerations in mind, therefore, the American Municipal Association adopted a statement of policy on this matter at its national American Municipal Congress in Philadelphia last December 1. I would like to read that statement of policy:

The health and economic well-being of every community and of the Nation as a whole depends on adequate supplies of water satisfactory for domestic, municipal, and industrial purposes. Water requirements are steadily increasing as a result of population growth and industrial expansion. At the same time, the amount of water of suitable quality for municipal use is being reduced as a result of pollution of our streams and lakes by the growing volumes of wastes discharged from city sewers and factory-waste outlets.

Municipalities and industries have a major stake in our water resources and both are vitally interested in pollution abatement. However, construction of treatment facilities by municipalities and industries has not proceeded at a sufficiently rapid rate to keep pace with the growing pollution problem.

Construction of sewage treatment plants has lagged, due partly to financing difficulties and partly to the fact that in comparison with other public facilities and services competing for municipal funds the direct benefits to the taxpayer are less readily apparent.

The strictly limited tax resources and debt capacity of municipalities will not finance the required sewage disposal facilities, the need for which is estimated to exceed \$3 billion in cost.

Senator KERR. You differ then with the statement which was given a little while ago by Mr. Jacobs who quoted from the Seventh Annual Report of the New England Water Pollution Control Commission and the Sixth Annual Report of the Ohio River Valley Water Sanitation Commission, both of which claim very substantial progress and substantial lessening of the pollution problem?

Mr. HEALY. I do not take issue with the statement that some progress has been made; no, sir. We do say that to meet the estimated \$3 billion in municipal sewage disposal plants, the municipalities cannot accomplish it.

Senator KERR. Who do you think ought to have the burden of disposing of sewage created by the citizens of a municipality?

Mr. HEALY. If it is an interstate problem, and we believe it is—

Senator KERR. I do not believe that it becomes an interstate problem at its inception. It is an individual problem in the beginning, is it not? The only way it becomes an interstate problem is because the individual problem has not been solved, is that not correct?

Mr. HEALY. Of course, we could use that same line of reasoning in many activities.

Senator KERR. It just happens that other activities are not the subject of this legislation.

I just asked you the question: Who do you think should have the responsibility for handling the sewage created by the inhabitants of that municipality?

Mr. HEALY. We feel, Senator, that it is a national problem.

Senator KERR. You think the people at home ought to take care of sewage created by the citizens of Philadelphia?

Mr. HEALY. We feel that the whole problem of water pollution as a whole—

Senator KERR. That was not what I asked you. Do you not care to answer my question?

Mr. HEALY. If I understand correctly—

Senator KERR. You tell me how you understand it.

Mr. HEALY. You are asking if it should not be strictly a local responsibility.

Senator KERR. No, I asked you whether you thought it ought to be or not, and if you thought not, what kind of a responsibility.

Mr. HEALY. I would agree that when a municipality pollutes a stream—

Senator KERR. I did not ask that. That might be something you would discuss in connection with my question.

I asked you whose responsibility is it to handle the sewage created by the citizens of any given community.

Mr. HEALY. I would agree with you that that is primarily a responsibility of that community; yes, sir. Now, what I am trying to say is—I am trying to point out the problems involved in that responsibility.

Senator KERR. People should not assemble themselves together in a community unless they can handle the sanitary conditions thereby created, should they?

Mr. HEALY. These conditions were not of any concern up until this tremendous industrial and population growth of the past 10 or 20 years.

It used to be considered perfectly proper to dump raw sewage into streams.

Senator KERR. The reason for that attitude, as I view it, was primarily because of the fact that it did not create a problem for somebody else in solving their own problem.

Mr. HEALY. That is probably true.

Senator KERR. And that was just because of the tolerance of others or the lack of damage to others.

Mr. HEALY. Plus the fact that there were unlimited water supplies.

Senator KERR. That does not of itself change the basic responsibility of any citizen to handle the sanitary problem that he himself creates; does it?

Mr. HEALY. You are right. That is right.

Senator KERR. I mean there is a basic Army regulation that no man shall create a nuisance in a public place; is there not?

Mr. HEALY. Yes, sir.

Senator KERR. That is more or less the expression of a recognized principle of human behavior. It was not created by the Army; was it?

Mr. HEALY. That is right.

Senator KERR. You may proceed.

Mr. HEALY. Some industries have been slow to approve the substantial capital outlays required for plant facilities which are not only usually nonproductive, but in most States are subject to State and local tax.

Although amendment of Federal tax laws to permit rapid depreciation of pollution-control systems or to permit classifying costs of their installation as operating expense would encourage some capital outlays by some industries, some other industries still would not be induced to invest capital or profits in nonproductive facilities or might not be financially able to do so.

Failure of industry to construct such facilities might, therefore, eventually require restriction of industrial production.

Passage of the Federal Water Pollution Control Act in 1948 indicated that the Federal Government too has an interest in the pollution problem because of its jurisdiction over the Nation's waterways and because of the benefits of pollution abatement to the public health.

The act establishes the policy of Federal responsibility for research and technical services, financial assistance to States and municipalities, and enforcement of interstate pollution controls.

Research being conducted under the authorization of the Federal act is developing new knowledge which will aid municipalities in the more effective and efficient construction of treatment plants and in providing better and cheaper methods of treatment which can ultimately result in great savings to the public.

The American Municipal Association, therefore, recommends: First, that the United States Congress continue the Water Pollution Control Act; second, provide for an expanded program of research and technical assistance; third, liberalize the financial provisions of the act by increasing the total loan and grant authorization and by raising the percentage of Federal contribution available

for each project to cover at least 50 percent of the cost of the project, with no ceiling limitation as to maximum amount.

Senator KERR. Do I understand that to mean that you recommend that the Federal Government make a grant in aid to a municipality, and pay up to half of the total cost of that municipality's disposing of sewage which it itself created?

Mr. HEALY. Yes, sir.

Senator KERR. In other words, then you would impose upon every community in the Nation that was taking care of its own problem, the penalty of helping pay half of the cost of any other community in meeting its requirements where it had made no provision to do so on its own initiative and with its own resources?

Mr. HEALY. That is one way of putting it, Senator.

Senator KERR. Is that an inaccurate statement?

Mr. HEALY. That is substantially accurate and relates to the same type of activities that the Federal Government engages in in slum clearance, subsidization of public housing, and other types of health and welfare activities.

Senator KERR. Are there communities in the Nation which on their own initiative and at their own expense have cleared their own slums?

Mr. HEALY. I would say "No."

Senator KERR. Then it is not a similar situation, is it?

Mr. HEALY. What I am driving at, Senator, is—

Senator KERR. Is not the program of slum clearance one of loans and not grants?

Mr. HEALY. There are substantial Federal grants in the Federal redevelopment program.

Senator KERR. Of what?

Mr. HEALY. They will pay two-thirds of the cost for constructing public facilities in a redevelopment program.

Senator KERR. But not the matter of housing, do they?

Mr. HEALY. In the matter of housing under the present act, I am not competent to say, but in the past I know the Federal Government has actually paid a substantial part of the cost of the housing.

Senator KERR. But they do so in the form of loans, do they not?

Mr. HEALY. Outright grants.

Senator KERR. To whom?

Mr. HEALY. To the local housing authority.

Senator KERR. I wonder if you would put into the record examples of that.

Mr. HEALY. I would be glad to do so at a later time. I am referring specifically right now to the PWA program where they had loans and grants.

Senator KERR. Is that now in effect?

Mr. HEALY. Which is no longer in effect. I said in the past they have made these substantial grants.

Senator KERR. That was actually based on the principle of relief and finding an outlet to express the principle of relief, was it not?

Mr. HEALY. Yes, it was to provide employment primarily.

Senator KERR. I would like to have some examples of where the Federal Government is making a grant-in-aid for a project as purely local as the sewage disposal of a municipality.

Mr. HEALY. Would you consider housing such an example, as an example? Would that be one?

Senator KERR. I would consider that some program of housing could be. I must say that I know of no housing program that I would think could be thought to be similar.

Mr. HEALY. I will be glad to try to dig up some such examples, Senator, for the record.

Senator KERR. Do you not think that the enactment of a law doing what you set forth there in your third item would actually encourage municipalities to fail to meet their own responsibilities?

Mr. HEALY. What we are talking about here is to get the job done, this whole thing.

Senator KERR. I understand the job has got to be done of feeding my family, but you are not concerned with it.

Mr. HEALY. This whole approach that we are suggesting here is to get the job done on the matter of controlling water pollution and one way we feel will accelerate——

Senator KERR. Is not the prevention of pollution quite an item in the control of pollution?

Mr. HEALY. That is true, Senator. Yes, sir.

Senator KERR. What theory of government can you give this committee that would justify the Federal Government on a nonreimbursable basis paying for the building of the facility, the sole purpose of which was to handle sewage produced by the citizens of a community and which they either fail or refuse to adequately dispose of?

Mr. HEALY. I will start from the other end. The benefits are interstate in character. They benefit the people downstream from that city.

You say that does not excuse the city from taking care of the people downstream, but the point I am trying to make is that a great many cities will never, within the next many years, be able to construct those facilities without some such program as this.

They cannot do it financially, and you can order them to do it by a court order, and they still cannot do it, and so if you want to get the job done, we are suggesting this course.

Senator KERR. I must say I have an interest in getting the job done, but I also am aware of such a thing as basic and organic law, which sets up certain principles and certain identities with certain responsibilities and certain limitations and one of which is the Constitution of the United States.

Mr. HEALY. If this were strictly a local effect, I could certainly agree with you.

Senator KERR. It is strictly a local cause, is it not?

Mr. HEALY. You might also say that building an airport is strictly local cause, too.

Senator KERR. It occurs to me that if you had a situation where there were a group of men engaged in injuring or killing other people, they could come here and say now it is a bad thing for the country as a whole to have these injured and maimed citizens going about and since it is a situation that is going to continue, we think the Federal Government ought to build hospitals to care for these people that we are going to continue to injure and provide caskets for these people that we are going to continue to kill.

Mr. HEALY. I am glad you mention hospitals, because that is an example of where the Federal Government gives grants.

Senator KERR. But it gives to anybody and everybody on an equal basis.

Mr. HEALY. But it is a benefit to that local community.

Senator KERR. It is a benefit to that local community, but it does not make Oklahoma City pay for their own and then help pay for those that Tulsa is going to build.

If it did, you would have insurrection down there, just like you would if Fort Worth had passed laws and built all of hers and then Texas passed a law requiring Fort Worth to help build the ones over at Dallas. Can you not see the situation that would develop over there?

Mr. HEALY. I think many communities have not had to use the Hill-Burton money to build hospitals.

Senator KERR. It is available to them on an equal basis?

Mr. HEALY. You might say—

Senator KERR. I said is it available to them on an equal basis.

Mr. HEALY. Yes.

Senator KERR. This would not be.

Mr. HEALY. This would be somewhat the same kind of a principle.

Senator KERR. It would not be at all. I must say if you take that position, there would be a basic disagreement between you and me, but you go ahead with your statement.

Mr. HEALY. Fourth, appropriate funds sufficient to carry out the purposes of the act and thus fulfill the intent of the act which has thus far been dormant because of the complete lack of appropriations.

Secondly, that the United States Congress amend the Internal Revenue Code (1) to permit Federal income-tax credits to reimburse industries for costs of constructing nonproductive waste treatment works installed to eliminate water pollution in accordance with State and/or local law or ordinances; and (2) to permit 5-year depreciation of productive or profit-contributing waste treatment works.

Third, the Federal and State levels of government should also recognize and support with adequate appropriations the principal of interest-free loans for the advance planning of sewage treatment facilities.

While S. 890 has the desirable feature of strengthening the research and control provisions of the existing law, it falls far short of recognizing that the real problem is financial assistance through Federal grants-in-aid.

The only realistic approach to the overall problem is contained in Senator Neely's bill, S. 982, which provides up to 50 percent grants to States, municipalities and interstate agencies for construction of necessary treatment works to prevent the discharge of untreated or inadequately treated sewage and other wastes into interstate waters or tributaries.

We strongly recommend that this committee incorporate these features of the Neely bill as amendments to S. 890 and that you urge favorable consideration of other bills amending the tax laws to encourage private industry to construct needed waste treatment facilities.

Senator KERR. Cannot a municipality prescribe the regulations which would make it necessary for any industry either to neutralize its own sewage or not to create it?

Mr. HEALY. Yes, sir; they have very great police powers.

Senator KERR. When they do not do that, they themselves create a problem, do they not?

Mr. HEALY. Yes, sir; they do.

Senator KERR. And you think that when they do that, the Federal Government ought to go down there and pay for the elimination of that problem?

Mr. HEALY. Again I say, Senator, we are just facing a practical matter. If we want to get the job done, we will have to take some rather drastic action, such as we are suggesting.

Senator KERR. Is there any reason why the municipality itself should not get a little drastic in its actions? Are they any more required to operate on a basis, or any less required to operate on a basis, justifying the continued support of their constituency than a member of the Congress?

Mr. HEALY. No, sir; but the fact is in many of these cases, to put in an expensive waste treatment plant makes that particular business noneconomic.

Senator KERR. If it is operating on a basis where it has got to be public nuisance in order to make a profit, do you endorse that principle then, that the Federal, the public itself, should pay the cost of eliminating the nuisance?

Mr. HEALY. No, I do not say that.

Senator KERR. Is that not what your recommendation amounts to?

Mr. HEALY. I am saying that where the overall problem involves the closing down of industries, or the bankruptcy of cities in order to achieve what I know you are after here, control of this water pollution—

Senator KERR. Your assumption that I am after control by the Federal Government of stream pollution may or may not be justified.

Mr. HEALY. Not necessarily by the Federal Government, but I think you and I and all of us agree that we want to get the pollution controlled.

Senator KERR. I think that every tub has got to stand on its own bottom.

Mr. HEALY. This, Senator, is a policy that we think will get the job done. It is a completely new idea.

Senator KERR. It is not new at all. Old Machiavelli had the same idea a long time ago, but I must say that this is the most pronounced example of its advocacy regardless of who might thereby be penalized or suffer by it, that I have ever run into in my legislative experience.

There is not anything new about it.

Mr. HEALY. About the principle?

Senator KERR. Yes.

Mr. HEALY. That is right. I mean in relation to this specific problem of control.

Senator KERR. Dr. Kaplovsky.

**STATEMENT OF DR. A. JOEL KAPLOVSKY, SUPERVISING ENGINEER,
WATER POLLUTION CONTROL COMMISSION, DOVER, DEL.**

Dr. KAPLOVSKY. Mr. Chairman and members of the committee, the Water Pollution Commission is the agency in the State of Delaware responsible for the control of pollution of State waters and is the agency directly affected by the proposed S. 890.

The following comments pertain to S. 890 which is being sponsored in the 1st session of the 84th Congress, dated February 1, 1955, specifically to extend and strengthen the present Water Pollution Control Act 845.

Section 1 of S. 890 entitled "Declaration of Policy" states:

In connection with the exercise of jurisdiction over the waterways of the Nation and in consequence of the benefits resulting to the public health and welfare by the prevention and control of water pollution, it is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution. * * *

It is firmly believed that the conditions within the text of the proposed S. 890 seriously infringe upon the basic principle which was effectively provided in the present Water Pollution Control Act 845. Public Law 845 provides (a) the requirement for second notice to any person causing pollution of an interstate stream, and (b) the necessity for the Federal Government to obtain the consent of the State in which pollution originates before it can take abatement action. However, the proposed S. 890, in section 8, subsection (b), states:

Whenever the Surgeon General, on the basis of reports, surveys, and studies, has reason to believe that any pollution declared to be a public nuisance by subsection (a) is occurring, he shall give formal notification thereof to the person or persons discharging any matter causing or contributing to such pollution and shall advise the water pollution control agency or interstate agency of the State or States where such discharge or discharges originate of such notification. The notification shall specify a reasonable time to secure abatement of the pollution.

This subsection clearly implies that the Surgeon General will advise the offender and the enforcement agency simultaneously and will also specify a reasonable time to secure abatement of the pollution. Such action by the Surgeon General would bypass the rights of the State enforcement agency by denying the State agency the opportunity to solve its own problems before discharging this responsibility to others. This opportunity is a "must" in order that the prestige and effectiveness of the State enforcement agency be preserved. Federal intervention of pollution abatement administration at the State level clouds the State's authority within its own boundaries. It would be damaging to imply that any State would not make every possible effort to eliminate pollution, whether it be intrastate or interstate, as quickly as possible and within a reasonable time. One would certainly want the opportunity to wash one's own dirty linen before it is hung up for national display.

Experience has shown that to "specify a reasonable time to secure abatement of pollution" is a difficult decision to make. Extenuating circumstances coupled with good judgment frequently are the best means of obtaining pollution abatement quickly. It is prudent to assume that the occurrence of extenuating circumstances within a State's jurisdiction which may directly affect this "reasonable time" should be best known by the State or States involved.

Section 4 entitled "Research, Investigations, Training, and Information" states in subsection (a) that:

The Surgeon General shall conduct in the Public Health Service and encourage, cooperate with, and render assistance to other appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and promote the coordination of, research, investigations, experiments, demonstrations, and studies relating to the causes, control, and prevention of water pollution.

This provision is excellent and should always be given fullest consideration and cooperation. The basic difficulty in establishing immediate stream or effluent standards has always been the lack of knowledge pertaining to treatment of complex waste discharges. Oftentimes an entire abatement program could be stymied by one industry for whose waste no satisfactory method of treatment is available. In addition, effluent and stream standards prepared and applied in a general manner often result in serious economic burden to the offender for whose waste proper treatment knowledge is lacking. The present needs for research, the ever changing industrial waste discharges, and the production of new products should clearly exemplify the need for continued and extensive research as stated under this section 4.

Section 7 entitled "Water Quality Standards to Prevent Pollution of Interstate Waters" states:

* * * the Surgeon General shall, after careful investigation and in cooperation with other Federal agencies, with State water pollution control agencies, and with municipalities and industries involved, prepare or adopt and publish standards of quality to be applicable (in accordance with subsection (c)) to such interstate waters at the point or points where such waters flow across or form the boundary of two or more States. Such standards of quality shall be based upon the present and future uses of such interstate waters for public water supplies, * * *

This paragraph goes on to mention other uses.

Basically the establishment of standards as implied within the proposed S. 890 is contrary to the present policy in Delaware and the procedure employed by many of the States. Some have effluent standards; others have classification standards; and others substitute for specific standards pollution control dependent upon detailed survey of existing conditions. Consequently, States that have established standards but have not based their requirements on the present and future uses will be compelled to operate under two divergent policies within their jurisdiction. This will cause considerable confusion within such State enforcement agencies.

Establishing standards on a present and future use basis is a difficult task within a State where there is only one enforcement agency. However, under S. 890 establishing standards for interstate streams would involve not only the discussions of the States concerned, but also the decision of the Surgeon General. Such investigation will involve considerable time, effort, and money of not only the States but also of the Federal Government.

Further, subsection (b) states:

The Surgeon General shall prepare the standards pursuant to subsection (a) with respect to any waters only if, within a reasonable time after being requested by the Surgeon General to do so, the appropriate States and interstate agencies have not developed standards found by the Surgeon General to be acceptable for adoption under subsection (a).

This subsection indicates that the State should provide standards within reasonable time but in view of the usual complexity of the various problems, many difficulties will arise in establishing what is considered reasonable. Standardization of all interstate streams will prove to be a tremendous burden upon the States where many other prior commitments may have been made. Oftentimes these interstate streams are of little importance or are not serious pollution problems at present, and other more pressing areas should be given priority. The selection of "reasonable time"—and I wish to quote that term—for interstate stream classification of minor importance should of necessity be a responsibility of the State or States involved.

Subsection (d) states:

Nothing in this section shall prevent the application of section 8 to any case to which it would otherwise be applicable.

This infers that if the "reasonable time," which is certain to be controversial, does not meet the approval of the Surgeon General, enforcement action can be applied. This fact becomes even more alarming and unjust in view of the change proposed in the existing law. Public Law 845, section 2, subsection (d) (2) states:

Whenever the Surgeon General, on the basis of reports, surveys, and studies, finds that pollution declared to be a public nuisance by paragraph (1) of the subsection is occurring, he shall give formal notification * * *.

In section 8, subsection (b) of S. 890, however, there is stated:

Whenever the Surgeon General, on the basis of reports, surveys, and studies, has reason to believe that any pollution * * *.

Therefore, on incomplete evidence, or facts, the Surgeon General can initiate a costly court case.

Senator KERR. Would you say on incomplete evidence or without facts?

Dr. KAPLOVSKY. I gave them the benefit of the doubt.

Senator KERR. That is a possible alternative?

Dr. KAPLOVSKY. Yes, sir.

Senator KERR. Proceed.

Dr. KAPLOVSKY. It may be true that eventually the evidence must be completed prior to presentation before the board appointed by the Secretary of Health; however, S. 890 permits formal accusation and charges to be made on incomplete information which certainly is unjust and ill advised. Any granting of additional power should carry with it a greater responsibility and burden of proof—not lesser. It is also conceivable the offender would wait for a board hearing, when all the facts are presented, and consequently the original belief that much time and investigative costs could be saved would not be valid.

The primary responsibility for water pollution abatement and control lies in the hands of the States according to statements in both the Public Law 845 and the proposed S. 890. It would appear reasonable, therefore, that the financing of such measures and operations should be sponsored by the States. Reliance upon outside funds, not within the jurisdiction of the State, for operation and control of pollution abatement is in itself an unhealthy situation.

Section 5, subsection (h) states:

Whenever the Surgeon General, after reasonable notice and opportunity for hearing to a State water pollution control agency or interstate agency finds that—

(B) in the administration of the plan (subsection h (1) (A)) there is failure to comply substantially with such a requirement, the Surgeon General shall notify such agency that no further payments will be made to the State or to the interstate agency, as the case may be, under this section * * * until he is satisfied that there will no longer be any such failure.

Past experience has shown that dependence upon funds subject to sudden withdrawal can prove most disrupting to pollution abatement and investigative measures under surveillance. Professional personnel are not prone to accept employment on a one-year or less basis, and untrained personnel are of minor value during the first year of training.

For the Surgeon General to employ and operate investigative groups to establish standards of interstate waters would require additional suboffices and considerable additional personnel. It is conceivable that such expanded operation of the Federal Water Pollution Control activity would not only involve a greater expenditure of funds than would be needed if the States were to do their own investigative work, but also considerable duplication of effort would occur.

Basically, the proposed S. 890 does not appear to extend and strengthen water pollution abatement nationally, but merely transfers the enforcement of such necessities from the hands of the States to the hands of the Federal Government at the expense of the former. This internal change of responsibility does not appear to be in the best interest of the State nor in true application of the basic declaration of policy; namely, "to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution."

Improvement and extension of the present Water Pollution Control Act may be entirely necessary and beneficial. However, substitution of S. 890 as a whole is not the appropriate legislation to accomplish this objective. It is recommended that before future legislation, to extend and strengthen the Water Pollution Control Act, Public Law 845, is prepared, far greater opportunity should be provided to the various States and interstate agencies for participation prior to and during such drafting.

In view of the above comments, it is urgently requested the proposed S. 890 not be adopted and that the present Public Law 845 be extended.

Senator KERR. Thank you very much, doctor, for a very clear and interesting, and, in my judgment, sound statement.

The committee will recess until 2:30.

(Thereupon, at 1:07 p. m., the committee stood in recess until 2:30 p. m., the same date and place.)

AFTERNOON SESSION

Senator KUCHEL. Mr. Allen is not here now. Then the next witness we will call is Mr. Hess, the Director and Chief Engineer of the Interstate Sanitation Commission. New York.

Mr. HESS. Senator, Dr. Cope will speak for the commission. I am here to support him.

Senator KUCHEL. All right, sir. Dr. William C. Cope.

**STATEMENT OF WILLIAM C. COPE, CHAIRMAN OF THE INTERSTATE
SANITATION COMMISSION**

Dr. COPE. Mr. Chairman, my name is Cope, William C. Cope and I reside in Glen Ridge, N. J.

I am chairman of the Interstate Sanitation Commission, a tri-State body corporate and politic, created by compact between the States of New York, New Jersey, and Connecticut, in 1936, for the control of pollution in New York Harbor and adjacent waters. This compact was consented to by the Congress of the United States by Public Resolution No. 62 of the 74th Congress, approved August 22, 1935.

The commission, Mr. Chairman, is composed of 5 commissioners from each of the 3 States and this statement is made in behalf of the said commission and was prepared after consultation with the director-chief engineer and general counsel of the commission.

Mr. Chairman, I am sorry the general counsel is not here to make this presentation. It is the Honorable J. Raymond Tiffany, who is a very able lawyer.

The Interstate Sanitation Commission is opposed to Senate Bill 890.

If enacted, the bill would violate the very statements set forth as a declaration of policy under the terms of the act, in that the bill declares, as does the existing law (Public Law 845, 80th Cong.), that it is the policy of the Congress to recognize, preserve and protect the primary responsibilities and rights of the States in preventing and controlling water pollution and to support and aid technical research relating to the prevention and control of water pollution and to provide Federal technical services and financial aid to the States and interstate agencies in connection with the prevention and control of water pollution.

The proposed law would practically eliminate the control of the States over their own waters, as well as the interstate waters abutting such States. It places the control thereof absolutely in the hands of the Surgeon General of the United States, thus depriving the States of the very rights that the bill purports to recognize, preserve and protect as the primary responsibility of the States.

It has been the experience of our Commission that the several States are fully capable of taking care of the matter of pollution of both intra- and interstate waters through compacts between the various States and through its own agencies, and that a bill superseding the rights of the States in this field is unnecessary and highly undesirable.

The proposed bill contains matter entirely new and constitutes a drastic departure from the basic principles underlying the existing law and are not in the opinion of the Interstate Sanitation Commission at all desirable.

Section 2 of the proposed act appears to broaden the powers of the Federal Government so as to include all surface and underground waters whether they are interstate or not. This is an invasion of States rights, particularly as to all surface and underground waters. It may well be unconstitutional.

SEC. 6. This section establishes a Water Pollution Control Advisory Board. It is objectionable in that the number of Federal Government representatives is greater than the number of non-Government representatives.

Senator KUCHEL. Dr. Cope, I am going to be compelled to interrupt you. There is a vote over in the Senate which I will run over and cast and return as fast as I can. That is basically what I am elected to do here.

(Thereupon, a short recess was taken.)

Senator KUCHEL. The meeting will be in order. Will you continue, Dr. Cope.

Dr. COPE. We suggest that the representation from State and interstate agencies is totally inadequate.

SEC. 7. This section appears to completely reverse the announced policy of water pollution control under existing law. It gives the Federal Government the right to investigate, to adopt and publish standards "in cooperation" with pollution control agencies. The word "cooperation" is not defined and there is no indication that such standards might not supersede existing standards established by State or interstate agencies or standards which would be objectionable to such State or interstate agencies. Such action would be contrary to the declared policy to recognize and protect the rights of States and interstate agencies in controlling water pollution.

This section is viewed by the Commission with alarm for several reasons. Of greatest concern is the fact that it empowers the Surgeon General to be the sole judge as to the acceptability of standards which may be established by the States for the control of pollution of interstate waters. This is entirely inconsistent with the announced declaration of policy of Section 1 of the bill "to recognize, preserve and protect the primary responsibilities and rights of the States in preventing and controlling water pollution."

This provision will enable the Surgeon General to prepare standards pursuant to the bill with respect to any waters and to promulgate such standards based entirely upon his own concept of what such standards should be.

Subsection 7 (a) provides that the Surgeon General shall issue regulations after consultation with State and interstate agencies, however it does not define consultation and, undoubtedly, the desires and views of the State or interstate agencies could be overruled.

Subsection 7 (b) is objected to since it provides that the standards referred to in subsection (a) shall be prepared by the Surgeon General, if the appropriate State or interstate agencies have not developed standards acceptable to the Surgeon General for promulgation. Again, the Surgeon General is the final arbiter.

Section 8 provides for enforcement measures against pollution of interstate waters. Subsection (a) provides that pollution which endangers health or welfare of persons in a State other than that in which the discharge originates is declared a public nuisance. It is to be noted that the law refers to welfare of persons and not the public welfare and for this reason is objected to.

Subsection (b) provides that when the Surgeon General has reason to believe pollution declared to be a public nuisance by subsection (a) is occurring, he shall give formal notice to the person or persons contributing such pollution and merely advises the water pollution control agencies or interstate agency of the State or States affected. This eliminates the provision of the present law (P. L. 845 of the 80th Congress) whereby the Surgeon General acts only at the request of the

States. This is completely contrary to the declared policy of the act which purports to protect the primary responsibilities and rights of the States in controlling water pollution. This action should be taken by the appropriate State or interstate agencies having jurisdiction and not by the Federal Government.

Section 8 also permits the Surgeon General to instigate Federal suit without obtaining a request from a State or interstate agency. This is felt to be highly objectionable and contrary to the declared policy of the preamble set forth in the proposed bill.

Section 10, subsection (b). The definition of "interstate agency" is limited and we suggest is inadequately set forth. It defines an interstate agency as an agency of two or more States having "substantial powers or duties pertaining to the control of pollution of waters." The interpretation of substantial powers or duties is indefinite as some of the interstate agencies do not have any powers other than to recommend. It is another evidence of inept draftsmanship.

It is the considered judgment of the Interstate Sanitation Commission that this bill should not be favorably reported, but that the existing law (Public Law 845—80th Congress—33 U. S. C. 466—466j) should be amended to provide that each of the 5 fiscal years during the period July 1, 1948 and June 30, 1953, where they occur in section 7 and subsection (a), (c), (d), (e) of section 8 of the Water Pollution Control Act (Public Law 845—80th Congress) to read, "each of the 10 fiscal years during the period beginning July 1, 1948 and ending June 30, 1958."

Senator KUCHEL. Thank you, very much, sir.

Dr. COPE. You are welcome.

Senator KUCHEL. Our next witness will be William R. MacDougall. Come up, Bill.

STATEMENT OF WILLIAM R. MacDOUGALL, GENERAL MANAGER OF THE COUNTY SUPERVISORS ASSOCIATION OF CALIFORNIA

Mr. MACDOUGALL. Thank you, Mr. Chairman. I am general manager of the County Supervisors Association of California, and also Secretary of the Western Regional District of the National Association of County Officials which embraces the 11 Western States.

Senator Kuchel, my purpose in appearing here today in support of S. 890 and S. 928 is to emphasize the support of all 58 of California's county governments for these two bills.

First, with respect to S. 928, we wish to state that this bill is regarded as most important by our local governments.

S. 928 will provide for the first time a basic Federal Air Pollution Control Act.

The wholesome theory of the bill is that Federal assistance should be given the State and local governments in the troublesome and mysterious field of air pollution.

The bill authorizes the provision of Federal grants-in-aid for research that Federal assistance is so direly needed.

The bill also creates an Air Pollution Control Advisory Board within the United States Public Health Service. This Advisory Board is a necessary device to implement the work of the Federal Government on air pollution. It is our suggestion that section 206 of the bill be

amended on page 5 so as to provide for membership of the Advisory Board of a person representative of county government. It is our understanding that such an amendment will be offered.

Senator KUCHEL. May I interrupt you to say that I think that a very worthwhile suggestion, particularly in view of the fact that many of the county units which belong to your association have, on their own motion, proceeded in the field of air pollution ordinances far in excess of some of our municipal governments.

Mr. MACDOUGALL. Thank you, sir. The reason we make this suggestion is because in California the legislature has assigned the problem of the control of air pollution to county government. There seems to be little disposition to change this basic assignment and hence it is only proper that county government be afforded a representative on the Advisory Board. In our State, air pollution is not only a problem of counties, it is a problem assigned by law to counties for solution.

We are very much afraid that the words "smog" and "Los Angeles" are associated with each other in all parts of the world. It is certainly well known in every corner of the United States that the county of Los Angeles has faced a continuing, a menacing, air pollution situation. County government in that county has spent over \$4 million in regulatory work. Industry itself has spent \$40 million in reducing pollution. Yet the problem continues and the exact factors causing the smog conditions cannot be tied down with great precision.

It is for this reason that we must turn to the Federal Government for advice and for help in research. Its many resources must be made available on a study basis in order that this condition which now affects several millions of our citizens can be completely identified and corrected.

Air pollution in California unfortunately is no longer a problem of Los Angeles County alone. The association which I represent has had occasion in the last 2 months to activate a statewide air pollution study committee. Of course, Los Angeles County is represented on this committee, but so is the huge San Francisco Bay area with its 9 counties, the San Diego County metropolitan area, 4 other southern California counties, and 4 counties now of California's interior valley, where air-pollution conditions are now beginning. It is well known in our State that air conditions in the San Francisco Bay area today are those of Los Angeles only a scant few years ago.

County government earnestly asks favorable consideration of S. 928.

Now, Senator, secondly, with respect to S. 890, there is demonstrated need in California for some of the amendments it proposes to the Federal Water Pollution Control Act.

Our California county governments have worked diligently for years on water pollution problems. It is not only a general problem of county government in our State; water pollution is a specific problem of our county sanitation districts and our county sanitary districts. They have the sewage removal and treatment responsibility for hundreds of thousands of residents in both unincorporated and incorporated territory.

The growth of California during World War II brought with it seemingly insoluble water pollution problems. Yet the realization of the perils which came with our water pollution brought the means of solution. In 1949, with county and city support, the California

Legislature enacted a water pollution control act and established a water pollution control board.

We feel that its accomplishments have been many and that its work has been admirable. Yet there is need for Federal assistance, particularly in the research, investigation, training, and information programs proposed by S. 890. Fortunately, we are not plagued by the complicated interstate pollution problems characteristic of the rest of the United States, but we do have great need for Federal assistance of the type mentioned above.

We do suggest three specific changes in S. 890 which are in the nature of retaining features of the present Water Pollution Control Act.

1. We suggest that section 5 of the bill be deleted. This section would provide for grants of \$2 million per year to the States for assisting them in the actual control of water pollution. To be eligible for this money the State would have to submit the familiar plan to the Federal Government and be reimbursed in accordance with an order of its carrying out the approved plan. We do not feel that it has been demonstrated (and it certainly is not the case in California) that there is a need for this additional expenditure. The States and local governments should be permitted to continue to finance their own water pollution control enforcement programs. The measure of Federal control which will come with Federal financial participation is definitely not desirable in the opinion of the counties of California.

2. Section 7 of the bill should be deleted. Section 7 would require the Federal Government to promulgate water quality standards which would be applicable to interstate waters. It would declare the violation of these standards to be a public nuisance and subject to legal enforcement proceedings. We feel that the need for the entry of the Federal Government into the field of mandatory water quality standards has not been shown. The States should be permitted to continue their so-far-successful endeavors to adopt their own water quality standards.

3. In subsection (d) of section 8 of the bill there should be inserted the provisions of the present law requiring the consent of the State in which pollution originates prior to the Federal Government being able to bring an abatement action in the courts. There is no history of the present procedure providing for two notices, a public hearing, and suit only after consent, having failed. The present method clearly recognizes the basic legal rights of States and yet it has provided an effective method of securing enforcement on interstate situations. There is no need to go further at this time.

It will thus be seen that our recommendations here are to keep S. 890 a measure which will improve the Water Pollution Control Act in its assistance with respect to research and in giving leadership to the various States and local governments.

And I would like to correct a typographical error here. It is somewhat embarrassing. The following word "political" should read "policy."

We do not feel that S. 890 should be the vehicle of harsh basic policy changes on the part of the Federal Government. We have proved in California that an enlightened public can provide water pollution control at the State and local levels. There is need for Federal leadership, however, and it is that for which we are asking in S. 890.

In addition, we know that there would be great good arising from the Water Pollution Control Advisory Board proposed in section 6 (a) of the bill. Here, too, county government suggests amendment to the bill to provide for a general membership of eight (line 8 of p. 12) and the assignment of the additional member as a representative of county government (line 1 of p. 13). Counties are directly concerned with water pollution problems to the same extent as are the municipal governments and they should be represented on the Advisory Board.

Further, we feel that our California experience has shown that there is merit in including on water pollution boards a representative of water supply.

We feel that the approval of S. 928 and S. 890 will constitute two significant but modest steps forward in our constant fight against the pollution of the air we breathe and the water we drink. These bills are not requests for Federal handouts—they are please for the assistance of the Federal Government and its research and coordinating facilities. Local government knows this leadership will be helpful.

Senator KUCHEL. The Chair thanks you for a very fine statement, Mr. MacDougall, and wishes to note that you and he have worked on many, many governmental problems for a long time.

Mr. MACDOUGALL. Thank you, sir.

STATEMENT OF JAMES H. ALLEN, EXECUTIVE SECRETARY, INTER-STATE COMMISSION ON THE DELAWARE RIVER BASIN

Mr. ALLEN. Mr. Chairman, my name is James H. Allen, I am executive secretary of the Interstate Commission on the Delaware River Basin. This Commission, commonly known by its contracted name, Incodel, is a governmental agency of the States of New York, New Jersey, Pennsylvania, and Delaware, created in 1936 by reciprocal legislation for the purpose of formulating programs for the development, utilization and conservation of the natural resources of the region drained by the interstate Delaware River.

One of the Commission's major activities and accomplishments lies in the field of controlling water pollution in this interstate stream. The Commission's functions are purely recommendatory. Administration of the Delaware River Basin pollution abatement program rests in the hands of the respective pollution abatement agencies of the four States.

Mr. Chairman, the purpose of this statement is to set forth in brief the views of the Pollution Abatement Committee of the Interstate Commission on the Delaware River Basin respecting the bill, S. 890, to extend and strengthen the Federal Water Pollution Control Act (Public Law 845, 80th Cong., approved June 30, 1948, and amended by Public Law 579, 82d Cong.).

The members of the committee are:

H. E. Moses, chief consulting engineer, Pennsylvania Sanitary Water Board; Robert S. Shaw, chief engineer, bureau of engineering, New Jersey State Department of Health; Donald K. Harneson, executive officer, Delaware Water Pollution Commission; and Earl Devendorf, director, bureau of environmental sanitation, New York State Department of Health.

On March 11, 1955, the committee held an all-day conference at the Commission's offices in Philadelphia to analyze S. 890. At this meet-

ing the committee unanimously agreed that it would be desirable to extend, and to improve, the existing Federal Water Pollution Control Act.

It was further agreed by the committee that S. 890 was directed toward this objective and it recognized that some of the proposed provisions of S. 890 represent improvements in the comparable provisions of the present law.

However, the Committee is firmly of the opinion there are many provisions of major significance in the proposed bill where are either entirely new or constitute drastic departures from the basic principles underlying the provisions of the existing law. The Committee is firmly convinced that these provisions have not been carefully drafted in the light of the philosophy upon which the present water pollution control act was founded; namely, "to recognize, preserve and protect the primary responsibilities and rights of the States in preventing and controlling water pollution," despite the inclusion of this congressional declaration of policy in the proposed bill.

Mr. Chairman, in section 7, for example, "Water Quality Standards to Prevent Pollution of Interstate Waters" is entirely new. It authorized the Surgeon General to "prepare or adopt and publish standards of quality" applicable to interstate waters "at the point or points where such waters flow across or form the boundary of two or more States."

This section, in its present form, is viewed by the Committee with alarm for several reasons. Of greatest concern is the fact that it empowers the Surgeon General to be the sole judge as to the acceptability of standards which may be established by the States for the control of pollution of interstate waters. This is utterly inconsistent with the announced declaration of policy in section 1 of the bill "to recognize, preserve and protect the primary responsibilities and rights of the States in preventing and controlling water pollution."

The Committee feels that the water pollution agencies of the States, being closer to the problems and the people, are in a far better position to determine the acceptability of pollution abatement standards than is the Surgeon General.

Furthermore, Mr. Chairman, the bill seems to be based upon the assumption that the most effective way of controlling pollution is to establish water quality standards for interstate waters.

Many agencies of State government that have been dealing effectively with the pollution problem have deemed it more advisable to establish standards relating to the quality of treated wastes, sometimes in combination with standards for the quality of the receiving waters. The Interstate Commission on the Delaware River Basin and the Interstate Sanitation Commission have adopted the latter method.

There are other provisions in section 7 which appear to be subject to various interpretations.

For example, section 8, "Enforcement Measures Against Pollution of Interstate Waters," as presently set forth in S. 890, involves a drastic departure from the administrative procedures in the present law. The committee is unalterably opposed to the provisions of this section which authorizes the Surgeon General to bypass agencies of State government in the issuance of formal notification of an alleged source of pollution. Such authorization also nullifies the congress-

sional declaration of policy "to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling pollution." Members of this committee also have serious objections to some of the other provisions of this section.

Mr. Chairman, this committee is also dissatisfied with many of the other sections of the proposed bill. For example, it believes that there is not adequate representation of State and interstate pollution agencies on the Water Pollution Control Advisory Board.

Mr. Chairman, the committee wishes to call attention to the fact that the present law (Public Law 845) represents the results of many years deliberation covering the respective functions of the State and Federal Government in the field of stream pollution abatement. During these deliberations, representatives of State and interstate pollution control agencies were afforded a generous opportunity to participate in the discussions. These same agencies have not been given the privilege of participating in the drafting of the proposed measure "to extend and strengthen" the present act. The committee is firmly convinced that such an opportunity should be made available before a new bill is brought up for the action of the Congress.

Rather than attempt to resolve the questionable features of S. 890 apparently now under consideration, within the limitations of the time schedule, the committee recommends a simple extension of Public Law 845 at this time as provided by H. R. 414 by Congressman Dondero. Such action should be taken with the view of giving all interested parties a full opportunity to participate in the preparation of a bill, such as S. 890, that will accomplish the desired ends and at the same time be generally acceptable to the local interests who are so closely acquainted with all of the ramifications of the problem of water pollution abatement.

Senator KUCHEL. Thank you, very much, sir.

Mr. ALLEN. Thank you.

Senator KUCHEL. The next witness is Mr. Alfred H. Fletcher, the secretary of the Conference of State Sanitary Engineers, from New Jersey.

STATEMENT OF ALFRED H. FLETCHER, DIRECTOR OF THE DIVISION OF ENVIRONMENTAL SANITATION OF THE NEW JERSEY STATE DEPARTMENT OF HEALTH, AND SECRETARY-TREASURER OF THE CONFERENCE OF STATE SANITARY ENGINEERS ON BEHALF OF THE EXECUTIVE BOARD, CONFERENCE OF STATE SANITARY ENGINEERS

Mr. FLETCHER. Mr. Chairman, I am glad to be here today. My name is Alfred H. Fletcher and I am director of the Division of Environmental Sanitation of the New Jersey State Department of Health, and secretary-treasurer of the Conference of State Sanitary Engineers.

Mr. Chairman, I am appearing here in support of S. 890 on behalf of the Executive Board of the Conference of State Sanitary Engineers. The conference consists of the chief sanitary engineering officials of the State and territorial health departments.

The Executive Board of the Conference is supporting this legislation not only because it is believed to be sound, but because it is to be administered by an agency with which we have worked with mutual confidence for years on a number of programs. The Public Health Service has worked closely with the States in a team approach, proven to be the most effective in solving problems in public health.

In general, Mr. Chairman, the chief sanitary engineering officials of the State departments of health under statutory authority are responsible for the safety of public water supplies, the treatment and disposal of sewage and wastes to prevent pollution of streams and protect water supplies, and for the conservation of water for reasonable and essential use. The problems of the protection and conservation of our water resources are nationwide and common to all States.

Our experience in working with the Public Health Service over the years has demonstrated the effectiveness of Federal support in strengthening State water pollution control programs throughout the country. Accordingly, the conference supported S. 418 which became Public Law 845, 80th Congress, known as the Water Pollution Control Act, and the amendment, Public Law 579 of the 82d Congress, which extended the authorizations of the act for 3 years.

Mr. Chairman, the conference strongly supports the declaration of section 1 of the S. 890 that it is the policy of the Congress to (a) recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling pollution; (b) support and aid technical research; and (c) provide Federal technical services.

The bill continues, in section 2, the authorization of the present act with respect to development of comprehensive programs for the control of water pollution. Using this authorization and data obtained from the respective States, the Public Health Service has completed factual reports indicating the magnitude of the water pollution problem and showing that the problem is national in scope and requires a coordinated effort. This record of factual data, which is kept current as a cooperative Federal-State activity, is a basic necessity of the water pollution control programs.

Under section 3 of the bill interstate cooperation and enactment of uniform laws are encouraged. Encouragement of interstate cooperation has proceeded through interstate compacts, through regional councils, and through the development of improved State pollution control legislation.

The help of the Public Health Service in the development of suggested State water pollution control legislation, which has been endorsed by the council of State governments, has aided materially in bringing about improved water pollution control legislation in a considerable number of States.

The research facilities of the Robert A. Taft Sanitary Engineering Center at Cincinnati are vitally needed to furnish the basic know-how so essential to the States to solve their problems, and a strengthened and broadened research effort, as proposed in the new bill, is needed to keep State programs abreast of the rapidly growing problem—especially with reference to new types of wastes whose behavior and effects on streams and on the people who use this water, are as yet little understood.

Mr. Chairman, this bill proposes grants for research in water pollution to universities and other institutions which have potentials as yet little utilized for contributing to the solution of these new problems. Experience has demonstrated conclusively that such grants, by encouraging institutions to undertake research in this field, lead invariably to expanded efforts financed from numerous sources.

Consulting services to States have been valuable in helping to solve the more complex aspects of water pollution. The Public Health Service has provided a central pool of expert consultants who are available to assist all of the States on these problems which, although not occurring frequently in any one State, do arise frequently around the country.

Likewise, the Public Health Service's contributions in educational materials and guides have supplemented the State efforts in varying degrees, and thus have had an important effect in developing the general public awareness and consciousness which are so essential to public programs of this nature.

Mr. Chairman, although the need is not the same in all the States, in many instances Federal grants to support State programs—section 5—have resulted in establishing sound and continuing State programs. The proposed bill would provide such funds on a matching basis for a broad scope of activities including the training of skilled personnel in the scarce categories. In many of our other State programs, now wholeheartedly and completely supported by the States themselves, experience has shown that many were initiated and proven in their value through the matching mechanism.

In section 6 of the bill there is authorized a Water Pollution Control Advisory Board with presidentially appointed members as well as representation from certain Federal agencies. The Conference of State Sanitary Engineers advocates the strengthening of this Board by the addition of a representative of an interstate water-pollution control agency.

Section 7 of the bill relates to the establishment of water-quality standards at State boundaries. This is a new provision in Federal legislation and it is our understanding that it is intended primarily as a preventive mechanism with regard to interstate pollution. The Conference of State Sanitary Engineers feels that there are many situations where such standards would have a great deal of merit.

However, we would strongly urge that the language be modified in two respects: (1) That such standards should be promulgated only for those interstate situations where the States concerned feel there is a need; and (2) that the use of such standards should be limited to the preventive aspects and not be used as an enforcement mechanism. We believe that much of the preventive value of such standards would be lost if violations are to be used in Federal court action. The Conference of State Sanitary Engineers urges the committee to delete from the bill section 7 (c) and (d) which relate to using violations of established standards in court actions.

Mr. Chairman, the need for revising standards from time to time is recognized and appropriate administrative means for doing so must be established. Pollution lowering water quality below the established standards would be corrected through the enforcement provisions of the act.

In section 8 of the bill there is the provision for Federal enforcement of interstate pollution where pollution from one State crosses a State line and affects the health and welfare of the people in another State. While the conference believes that most cases of interstate pollution can be worked out cooperatively between the States, we recognize that there may be some instances where Federal action would be helpful.

Corrective action in Federal court can be recommended only with the consent of the State in which the pollution originates under the present Water Pollution Control Act. This provision has been deleted in the bill now before the committee. The conference is of the opinion that the provision of Federal intervention would be more acceptable to the States if the language of the bill was modified to require that court action be recommended only at the request of the State affected by such interstate pollution.

Mr. Chairman, in summing up the situation, I can say for the Conference of State Sanitary Engineers, that Federal support in all of these areas has contributed in varying degrees to the continuing strengthening and balancing of State programs. The proposed act will continue this support and in addition, through the modifications in enforcement and through broadened research, would make the Federal contribution more meaningful. We want, particularly, to emphasize the problem today in those States now on the threshold of large-scale industrial expansion and the inevitable associated urban development.

Mr. Chairman, heretofore, these States have not been confronted with major pollution problems and hence have had no reason to be prepared for the difficult problems ahead. The type of assistance which this bill would provide will be vital to States facing this situation.

Senator KUCHEL. The Chair appreciates your able statement and will consider the recommendations you make in this executive hearing.

Thank you, sir.

Mr. FLETCHER. Thank you.

Senator KUCHEL. The last witness is Mr. Lawrence M. Fisher, the acting director of the Interstate Commission of the Potomac River Basin.

STATEMENT OF LAWRENCE M. FISHER, ACTING DIRECTOR, INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

Mr. FISHER. Mr. Chairman, my name is Lawrence M. Fisher, I reside at Garrett Park in Maryland. I am acting director of the Interstate Commission on the Potomac River Basin. The Interstate Commission on the Potomac River Basin has not held a meeting to discuss S. 890. The commission as a body, therefore, does not take any stand with respect to this legislation. However, the individual commissioners or groups of commissioners from certain States have indicated their desire to submit a statement with respect to their attitude toward the bill.

Mr. Chairman, it is my understanding that all of those who wish to make such a statement will do so before the expiration of this week, namely, April 29. It is hoped that the material which they will mail

in to the chairman may be included as a part of the record of these hearings.

Our commissioners come from the following States. West Virginia, Virginia, Maryland, Pennsylvania, and the District of Columbia. The Federal Government also has representation on our commission.

Before I leave, Mr. Chairman, may I add to my statement this brief comment: In the testimony that has been presented here there has been some evidence that pollution has been decreasing in some of the interstate streams. That does not prove to be the case in the Potomac.

We have some evidence in our files which shows that over the last 4 years the pollution in the interstate portions of the stream has been increasing.

Senator KUCHEL. Thank you very much, Mr. Fisher. I cannot speak for the chairman of the committee, but subject to his confirmation I would say that any statements such as you describe here which might be filed with the committee by the end of this week will be considered for inclusion in the hearings of the committee.

Mr. FISHER. All right. Thank you very much.

(There follows letter from L. M. Fisher:)

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN,
Washington, D. C., April 27, 1955.

HON. ROBERT S. KERR,

*Chairman, Subcommittee on Flood Control-Rivers and Harbors,
Senate Office Building, Washington 25, D. C.*

DEAR SENATOR KERR: I have the honor to submit data, referred to in my testimony before your subcommittee on April 26, pertaining to the deterioration of the quality of water in interstate stretches of the Potomac River in recent years.

In the appended table is shown the biochemical oxygen demand, usually referred to as B. O. D. B. O. D. can be described as the oxygen (in parts per million) required during stabilization of the decomposable organic matter by aerobic bacterial action. The greater the B. O. D. of river water, the greater the pollution.

The table shows the median of all B. O. D. determinations reported to the Interstate Commission on the Potomac River Basin from the listed stations during the fiscal year 1950 and the fiscal year 1954. The number of samplings taken varied from 18 to 33 at each station. Specifications for water quality which were adopted by this commission in 1949 classify streams, according to B. O. D. in the following manner:

B. O. D.:

Average any month.

Maximum any day.

Grade A (clean):

Not over 2.5.

Not over 3.5.

Grade B (inferior):

Not over 5.5.

Not over 7.5.

Grade C (grossly polluted):

Over 5.5.

Over 7.5.

Interpreting the water quality of the Potomac in accordance with these standards, only stations No. 1 and No. 27 reported a B. O. D. of Grade B. At all other stations on the appended list, the water quality for the fiscal year 1954, measured in B. O. D.'s, is grade C (grossly polluted).

This increase in B. O. D. has happened in spite of certain corrective measures taken by industries and municipalities along the Potomac.

Respectfully yours,

L. M. FISHER, *Acting Director.*

Changes in biochemical oxygen demand at points along the Potomac River from fiscal year 1950 to fiscal year 1954

Sampling station location and number	Biochemical oxygen demand median	1950 maximum	Biochemical oxygen demand median	1954 maximum
1. North Branch of Potomac below mouth of Savage River.....	0.75	3.8	1.5	2.9
2. Luke, Md., above mouth of George's Creek.....	3.4	77.9	20.4	50.0
2A. Luke, Md., below mouth of George's Creek.....	2.1	12.1	5.5	12.9
3. Westernport, Md.....	6.1	34.6	16.5	48.7
4. Keyser, W. Va., below Newton Creek.....	5.3	16.8	11.2	43.8
5. North Branch above Warrior Run.....	3.0	4.9	3.2	17.3
6. Below Amelle, Md.....	10.7	137.0	19.8	37.9
25. Potomac at Great Falls.....	2.4	4.2	2.7	16.03
27. At Roosevelt Island.....	1.88	5.84	1.9	5.83
27A. At Giesboro Point.....	2.1	6.08	4.3	7.3
28. At Marbury Point.....	3.8	13.7	5.2	16.6
29. Below Marbury Point.....	3.0	12.5	5.5	9.9
30. At Fort Foote, Va. and Md.....	2.9	4.2	4.7	9.9
31. At Fort Washington, Md., and Fort Hunt, Va.....	2.6	4.1	5.3	8.7

¹ Highest monthly average.

(Additional statements and letter to be included in the record of hearings on S. 890 are as follows:)

STATE OF ALABAMA,
DEPARTMENT OF PUBLIC HEALTH,
Montgomery 4, April 29, 1955.

Senator ROBERT S. KERR,
Senate Office Building,
Washington, D. C.

DEAR SENATOR: The State of Alabama Water Improvement Commission during its regular meeting on April 27, 1955, gave careful consideration to amendments of the Federal Water Pollution Control Act (33 U. S. C. 466-466j) as proposed by S. 890 and H. R. 3426. The Commission unanimously adopted a resolution expressing its opposition to S. 890 and H. R. 3426 and directed that a copy be sent to you.

Yours very truly,

D. G. GILL, M. D.,
Chairman, Water Improvement Commission.

A RESOLUTION OF THE STATE OF ALABAMA WATER IMPROVEMENT COMMISSION

Whereas the Federal Water Pollution Control Act (33 U. S. C. 466-466j) has proven workable and advantageous to the State of Alabama in establishing adequate authority over the pollution of interstate waters; in providing assistance through technical research; and in the dissemination of information relating to the prevention and control of water pollution, and

Whereas Act No. 523, General Acts of Alabama, 1947, as amended by Act No. 463, General and Local Acts of Alabama 1953, in creating a State of Alabama Water Improvement Commission provided this commission with powers to carry on a program of water pollution control that has proven adequate and successful: Now, therefore, be it

Resolved, That the State of Alabama Water Improvement Commission express its opposition to amendments to the Federal Water Pollution Control Act as contained in S. 890 and H. R. 3426 insofar as these amendments are applicable to the State of Alabama.

On this the 27th day of April 1955 at Montgomery, Ala.

D. G. GILL, M. D.,
Chairman, Water Improvement Commission.
ARTHUR N. BECK,
Technical Secretary, Water Improvement Commission.

ARIZONA STATE DEPARTMENT OF HEALTH,
Phoenix, Ariz., March 30, 1955.

HON. DENNIS CHAVEZ,
Chairman, Senate Public Works Committee,
United States Senate, Washington, D. C.

DEAR SENATOR CHAVEZ: We in Arizona are definitely in favor of S. 890 amending the Water Pollution Act.

This legislation would be of considerable assistance to such States as ours in furthering our program of water pollution elimination and prevention.

Favorable action by your committee will be greatly appreciated by those of us interested in correcting and conserving water quality in the interest of public health, recreation, and industry.

Very respectfully yours,

GEO. W. MARX, C. E., M. P. H.,
Director and Chief Engineer, Bureau of Sanitation.

OFFICE OF THE KANSAS STATE BOARD OF HEALTH,
Tokepa, March 12, 1955.

HON. DENNIS CHAVEZ,
Chairman, Senate Public Works Committee,
Senate Office Building, Washington, D. C.

DEAR SIR: I have studied S. 890, the Federal water pollution control bill, which I understand is now before your committee. We in Kansas have had considerable experience in the abatement of water pollution, both through our own action and cooperatively with the United States Public Health Service and other States. The purpose of this letter is to endorse S. 890 as continuing the principles and philosophy of Public Law 845 while broadening the research provisions and strengthening enforcement relating to interstate pollution. While we feel this latter is not needed in Kansas or the States immediately surrounding us, it may well be desirable in other areas of the United States. We believe that sections 7 and 8 of the new bill can be expected to strengthen the State water pollution programs, particularly in those States with inadequate local laws, by providing more effective Federal enforcement.

We have been pleased with the division of responsibility under the existing water pollution control law, Public Law 845 of the 80th Congress. The program undertaken by the Public Health Service under this act has been particularly valuable in coordinating State programs, and in reinforcing State objectives. A particularly good example of this is the recent effort of five States—South Dakota, Iowa, Nebraska, Kansas, and Missouri—to abate very serious and hazardous pollution along the main stem of the Missouri River. Working individually the States had not been able to do this previously, but through the coordination of State efforts and assistance in developing a uniform policy, the Public Health Service under Public Law 845 has been largely responsible for stimulating an effective program.

You will note that I am sending a copy of this letter to Senator Frank Carlson. He was instrumental in getting appropriations made for sewage treatment at State institutions when he was governor of Kansas. The program which he started has been expanded to the extent that during the last 6½ years, 150 Kansas cities have built new sewage treatment plants and 20 more are under contract.

We hope that S. 890 will have your support.

Very truly yours,

THOMAS R. HOOD, M. D., M. P. H.,
Executive Secretary.

STATEMENT BY HENRY WARD, COMMISSIONER OF CONSERVATION, COMMONWEALTH OF KENTUCKY, AND CHAIRMAN, KENTUCKY WATER POLLUTION CONTROL COMMISSION, MEMBER, OHIO RIVER VALLEY WATER SANITATION COMMISSION

I feel that it is important that serious consideration be given to the implications of some of the provisions of S. 890, the proposed bill "to extend and strengthen the Water Pollution Control Act," which has been introduced in the Senate by Senator Martin of Pennsylvania and others, and has been referred to the Committee on Public Works.

My interest in water pollution control and abatement extends over a long period of years. In 1940, as a member of the Kentucky House of Representatives, I sponsored the act under which this State agreed to join the Ohio River Valley Water Sanitation Compact, and I have been a member of that commission since 1948 and served as its chairman in 1951. I wrote the present Kentucky Water Pollution Control Act and have been chairman of the commission which administers it since its organization in 1950.

I am convinced that the Federal Government should play a role in the campaign to control and abate water pollution, for the weight of the Federal Government should be behind that program. However, it is essential that there be a proper understanding of the approaches which should be made in the administration of regulations regarding pollution.

The eight States which are members of the Ohio River Valley Compact have agreed since its inception that administration of regulations which involve direct discussions and specific acts applied to individual cities or industries should be through the State enforcement agency set up for that purpose.

There is one very important purpose behind this agreement in which I strongly believe. It is that the municipality, industry, or individual with a water pollution problem against whom regulations are being invoked has a right to feel confidence in dealing with one agency. He has a right to know that if he does what that agency tells him to do, another agency will not come along and impose other or additional regulations. In brief, I feel that jurisdictional disputes or differences should not confuse the program to bring about pollution control and abatement.

Under this theory, it is my thought that the States should administer pollution control programs as they apply directly to the municipalities, industries, or other individuals. The Federal Government, or such interstate agencies as the Ohio River Valley Compact Commission which is organized with congressional approval, should provide a means whereby the States can review policies and control standards which should be applied to similar circumstances, as in the case of industrial wastes, or to find the answer to problems that are interstate in character.

Pollution of interstate streams is serious, and therefore needs attention either by the Federal Government or through compact agreements. However, I feel that emphasis by them should be on research and the development of control and treatment standards which may be applied and administered through the States.

In order to avoid duplications and conflicts, I propose two amendments to S. 890. They follow:

1. On page 18, section 8 (d), line 8, after the word "may" insert the following: "with the consent of the water pollution agency of the State or States in which the matter causing or contributing to the pollution is discharged,".

This would require the consent of the State agency before the Federal Government brought suit to abate an incident of pollution, and thereby assure understanding on the part of all concerned in this matter.

2. On page 19, section 8 (h), line 24, strike out the period after the words "United States" and add the following: "and shall not extend to any region or area in which the prevention and control of water pollution is the subject of an interstate compact which is implemented by a commission or other administrative authority empowered to establish and enforce water quality standards or other regulations for the prevention and control of pollution with respect to interstate waters situated within the region or area."

The purpose of the second suggested amendment is to give the interstate commissions such as the Ohio River Valley Water Sanitation Commission further opportunity to handle the problem in their own areas. They have authority under Federal law to seek the same type of action in Federal court as that proposed for the Secretary of Health, Education, and Welfare under S. 890.

Except for these suggestions, I believe that the enactment of S. 890 would be most beneficial to the promotion of pollution abatement throughout the United States, and I therefore recommend it highly.

THE COMMONWEALTH OF MASSACHUSETTS,
DEPARTMENT OF PUBLIC HEALTH,
511 State House, Boston, March 31, 1955.

United States Senator DENNIS CHAVEZ,
Chairman, Senate Public Works Committee,
United States Senate, Washington, D. C.

DEAR SENATOR CHAVEZ: It has come to my attention that a hearing is to be held on S. 890, an act to extend and modify the existing Federal Water Pollution Control Act.

In general the department of public health, as the water-pollution control agency in Massachusetts, is in accordance with the provisions to strengthen the activities of the State water-pollution control agencies by providing adequate funds for research and for supplementing the funds of the State agencies to control pollution.

It is felt that the Federal Government can contribute a great deal by making funds available for research and for dissemination of information for the education of the general public, as well as municipal officials and industrial management, of the need of water-pollution control to conserve one of our most valuable resources, water.

It is felt, however, that section 7 of S. 890, in regard to the Surgeon General being able to establish water quality standards for interstate streams, is not desirable as now written. It is felt that, where there are compacts between States establishing interstate water-pollution control agencies, with the approval of Congress these interstate agencies should be responsible for adopting water quality standards. In areas where there are no interstate water-pollution control agencies in operation, then the Surgeon General should be empowered to set up water quality standards for interstate streams and tidal waters.

Respectfully,

SAMUEL B. KIRKWOOD, *Commissioner.*

THE DIVISION OF HEALTH OF MISSOURI,
Jefferson City, Mo., March 15, 1955.

Hon. DENNIS CHANEY,
Chairman, Senate Public Works Committee,
United States Senate, Washington, D. C.

DEAR SENATOR CHANEY: I wish to endorse to your committee the need for continuing the activities for water-pollution control as is now being considered for enactment under S. 890. The proposed bill S. 890 continues the principles and philosophy of Public Law 845 as well as broadening provisions for research and enforcement relating to water pollution.

The financial grants to the Missouri Division of Health were of extreme value in carrying out our pollution abatement program in cooperation with the Public Health Service under Public Law 845. The provision for State grants contained in S. 890 will be of great assistance to the State of Missouri in the control and abatement of water pollution.

I heartily recommend S. 890 for enactment as permanent legislation to obtain essential control of water pollution through a reasonable balance of State and Federal activities.

Very truly yours,

JAMES R. AMOS, M. D.
Director, Division of Health.

STATE OF MONTANA,
STATE BOARD OF HEALTH,
Helena, Mont., March 22, 1955.

Hon. DENNIS CHAVEZ,
Chairman, Senate Public Works Committee,
United States Senate, Washington, D. C.

DEAR SENATOR CHAVEZ: We have been studying S. 890 which proposes to extend and strengthen the present Water Pollution Control Act. The State Board of Health of Montana wishes to endorse legislation of this type.

Under Public Law 845, an active water-pollution program was begun in Montana. However, the withdrawal of S (a) grants made it difficult to carry on this active program. The philosophy of Public Law 845 appears to be con-

tinued in S. 890, while including the very desirable features of broadening the research program and establishing a better enforcement policy.

The method of providing funds to the States should be very carefully scrutinized. The formula which is adopted should include need by the State as established by the United States Public Health Service. Need is in the law as a part of the formula to determine the amount that the State will receive. A minimum allotment to the States should be included in the law, and this minimum be disbursed based upon the State's ability to meet the formula requirements based upon population, need, and income. In no case should a grant to a State be less than \$10,000 per year.

The State of Montana has just recently adopted stream pollution legislation which can be considered adequate. This would not have happened if Public Law 845 had not been the type of law which it is.

Under S. 890, we believe that the pollution abatement program in Montana and the United States will be further to the good of all people dependent upon streams for their livelihood and/or for recreational purposes.

Sincerely yours,

G. D. CARLYLE THOMPSON, M. D.
Executive Officer.

LINCOLN, NEBR., April 9, 1955.

Hon. DENNIS CHAVEZ,
*Chairman, Senate Committee on Public Works,
Senate Office Building:*

The Nebraska State Board of Health endorses principles set forth in H. R. 3426 and urges the adoption of this legislation.

E. A. ROGERS, M. D.,
*Director of Health,
State Department of Health.*

STATE STREAM SANITATION COMMITTEE,
NORTH CAROLINA STATE BOARD OF HEALTH,
Raleigh, N. C., April 22, 1955.

Hon. ROBERT S. KERR,
*Chairman, Subcommittee on Rivers and Harbors, Senate Public Works
Committee, Senate Office Building, Washington, D. C.*

Subject: Senate bill 890 to extend and strengthen the Federal Water Pollution Control Act (Public Law 845).

DEAR SIR: Reference is made to my letter of April 18 requesting an opportunity to appear before your committee in connection with Senate bill 890 and Mr. John L. Mutz's telegram of April 21, advising that the subcommittee would hear me on Monday afternoon, April 25.

In view of the fact that the North Carolina general assembly now has under consideration important legislation relating to water resources and stream pollution control and since legislative committee hearings on these bills are scheduled for April 25 and 26, it will not be possible for me to appear before your group. I am, therefore, listing below my comments regarding Senate bill 890 with the request that these comments be presented to the subcommittee and be included in the records of the proceedings relative to the proposed legislation.

This office has made a careful study of the pending legislation on water pollution control, Senate bill 890, which proposes to extend and strengthen the present Water Pollution Control Act (Public Law 845), and favors the general principles presented therein. It is our belief and recommendation that Public Law 845, administered by the United States Public Health Service, should be extended and improved to enable that agency to continue the valuable services which have been rendered the State pollution control authorities under the present act. In North Carolina the services rendered the State Stream Sanitation Committee, as well as the financial assistance provided through grants for research, etc., made possible through the existing law, have greatly strengthened and expedited our stream study and pollution control program.

In view of the above, we strongly urge the passage of Senate bill 890 to extend and strengthen the Federal Pollution Control Act and wish to offer the following suggestions and comments for consideration by your committee:

1. The grants authorized by section 5 for the support of State water-pollution-control programs are, in our opinion, of tremendous importance to the strengthen-

ing and continued expansion of such programs throughout the country. We, therefore, urge the resumption of necessary appropriations and feel that such appropriations would be in the public interest.

In connection with such appropriations, section 5 (1) provides that the Surgeon General is required prior to the beginning of each calendar quarter, or other period prescribed by him, to estimate the amount to be paid to each State. It is recommended that the estimate to be made by the Surgeon General be prepared on an annual basis rather than on a calendar quarterly basis. Such a review at annual intervals with any necessary adjustments would lessen the tendency to disrupt established programs.

2. Section 7 of the proposed legislation provides for the establishment of water-quality standards for interstate streams by the Surgeon General in cooperation with other Federal agencies, State water-pollution-control agencies, and others concerned with the quality of such waters as they flow across or form State boundaries. We are of the opinion that the establishment of such standards constitutes sound practice and will be of benefit to the various interested agencies. We believe, however, that such standards as may be prepared by the Surgeon General should be certified by the affected State to be in keeping with the present and future necessary and legitimate usage of such waters.

3. Section 8 (a) of the bill provides for action by the Surgeon General independent of the standards adopted in accordance with the provisions of section 7. In connection with the enforcement of remedial measures by the Surgeon General, it would appear to cause less confusion among the States and the responsibilities of the Surgeon General would be clarified by inserting the following language after the comma and following the word "which," on line 15, page 16, of S. 890: "violates standards adopted under section 7, or in the absence of such standards, which."

4. Section 8 (c) provides for a hearing to be called by the Secretary of Health, Education, and Welfare before a board which will make findings regarding pollution. It would appear, as a matter of principle, that upon the receipt of the recommendations of the board the responsibility of making such findings should rest with the Surgeon General.

5. In section 8 (d) the use of the term "reasonable opportunity" appears somewhat ambiguous. We would suggest, therefore, that the term "a reasonable time to be determined and specified by the Surgeon General in cooperation with the State water-pollution-control agencies of the States involved" would be more specific and desirable.

6. In addition to the above, it is believed desirable that section 8 be amended to provide that the Surgeon General of the United States Public Health Service shall give formal notification to the State water-pollution-control agency where such pollution is arising prior to the issuance of a notice by the Surgeon General to the person alleged to be causing the pollution.

We believe that the minor changes suggested above will eliminate certain objectionable features and will improve the bill. It is further our opinion that the program initiated under Public Law 845 of the 80th Congress should be continued. We, therefore, urge passage of this legislation which we believe to be in the best interest of the public in regard to the protection and conservation of the Nation's water resources which are so vital to the public health and economic welfare of the Nation.

Sincerely yours,

E. C. HUBBARD,
Executive Secretary.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF HEALTH,
Harrisburg, Pa., April 27, 1955.

HON. ROBERT S. KERR,
Chairman, Committee on Public Works,
United States Senate, Washington, D. C.

DEAR SENATOR KERR: In view of the hearing now being held concerning Senate bill 890 (H. R. 3426), whose stated purpose is to extend and strengthen the Water Pollution Control Act (Public Law 845, 80th Cong.), I would like to express some concern over the provisions of the proposed amendment.

One of its most important features is the removal of the present safeguard of State authority in controlling water pollution and substituting therefor the authority of the Federal agency, this despite the statement in the proposed

act that "It is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution * * *." It should be remembered that over the many long years that this subject was discussed in Congress, with the presentation of many bills, a most important feature was the question of State sovereignty, and that was made a cardinal principle of Public Law 845, enacted June 30, 1948.

Later on, in the act itself, this principle was further recognized by requiring the consent of the State water pollution agency before the Federal agency could request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution. Now that provision is omitted from the proposed new act.

I believe it was somewhat of a shock to the States and to the interstate agencies that this new legislation was drafted without any consultation with these agencies and its provisions did not become known until after its introduction into Congress.

Another query which has arisen in the minds of the State agencies is the necessity for this radical departure from the procedure established under Public Law 845. The present Water Pollution Control Act was produced by the cooperative efforts of Federal, State, and interstate agencies, and, so far as we know, was proving adequate for the purpose intended, although perhaps in need of some slight changes.

In the foregoing comments it should be understood that we favor the general purpose of the original law, namely, to prevent and control stream pollution. We have some serious questions in doubt as to the policy of Congress in the proposed act to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution. In Public Law 845 this policy was emphasized by the erection of procedures to protect State rights; whereas in the amendments these protective features are omitted and the rights of the States are taken over by the Federal Government.

Very truly yours,

BERWYN F. MATTISON, M. D.,

Secretary of Health,

Commissioner, Interstate Commission on the Potomac River Basin.

TEXAS STATE DEPARTMENT OF HEALTH,

Austin 1, Tex., March 29, 1955.

HON. LYNDON B. JOHNSON,

The United States Senate,

Washington, D. C.

DEAR SENATOR JOHNSON: It has been brought to my attention from several sources that there are for consideration before the National Congress at the present time S. 890 and H. R. 3426 of the 84th Congress, which propose to amend and extend Public Law 845 of the 80th Congress, which has to do with Federal water pollution control activities.

It has occurred to me that you would be interested in knowing that, in general, we feel this legislation is desirable, and I am therefore taking the liberty of writing to you in this regard. While there are some specific points included in the wording of the bills which could be questioned, we do not find them particularly objectionable. In view of our past cordial relationships with the Public Health Service, we are convinced that the bills will be administered on a reasonable and sound basis.

Therefore, we hope you will find it possible to support this legislation, unless there are features unknown to me which would not be to the best interest of the State of Texas. Your consideration in this regard will be appreciated.

Sincerely yours,

HENRY A. HOLLE, M. D., *State Health Officer.*

UTAH WATER POLLUTION CONTROL BOARD,
Salt Lake City, Utah, April 8, 1955.

HON. DENNIS CHAVEZ,
Senate Office Building,
Washington, D. C.

DEAR SENATOR CHAVEZ: The Utah Water Pollution Control Board, at a meeting held in the State capitol, Salt Lake City, on this date, voted unanimously to approve extension of Public Law 845 (80th Cong.), and to object to enactment of Senate bill 890 (84th Cong.).

Very truly yours,

UTAH WATER POLLUTION CONTROL BOARD,
EZRA J. FJELDSTED, *Chairman*.

UNIVERSITY OF UTAH,
Salt Lake City, April 8, 1955.

Senator DENNIS CHAVEZ,
Chairman, Senate bill 890,
Senate Office Building, Washington, D. C.

DEAR SENATOR CHAVEZ: I write at this time with refference to Senate bill 890, the bill which you are sponsoring to extend and strengthen the Water Pollution Control Act. I am chairman of the Committee on Water Conservancy and Antipollution of the Utah Wildlife Federation, and an associate professor of zoology at the University of Utah. From 1950 to 1953 I was in charge of the Stream Sanitation Research Unit Environmental Health Center, Cincinnati, Ohio, in which position I had numerous opportunities to observe the effects of pollution on our water resources. As a result of my professional training, research activities, and firsthand information on the effects of pollution on our aquatic resources I feel qualified to speak in support of this vitally needed bill which is to be considered by Congress in April 1955.

In my work in Utah, Ohio, and other sections of the country I have encountered streams which were once clear sparkling delightful trout streams but which are now open running sewers, a disgrace to the communities in which they are located. Considering the number of sportsmen who are interested in fishing and the millions of others who seek their recreation from our lakes and streams the need for conservation of our water courses is more important than ever before.

In the intermountain region where an adequate clean water supply is indeed the very lifeblood of all communities, conservation of the limited water resources is as important as any place in the country. Yet, only 2 percent of Utah's water supply is of A grade quality and only recently has an attempt been made to preserve the water quality from further degradation. This situation is not restricted to Utah alone, it is true of most sections of the country. Further expansion of the human and industrial resources of the United States is even now being limited by lack of an adequate clean water supply. We cannot allow pollution of our water courses to proceed any further.

In view of the vital need for protection of our waters from further pollution, I would like to add the wholehearted endorsement of the sportsmen of the Utah Wildlife Federation to the passage of the new Water Pollution Control Act. This important legislation is vital for the present and future conservation of our water resources and should be passed without delay.

Very truly yours,

ARDEN R. GAUFIN,
Chairman, Water Conservancy and Antipollution Committee,
Utah Wildlife Federation.

COMMONWEALTH OF VIRGINIA,
STATE WATER CONTROL BOARD,
Richmond 20, April 5, 1955.

HON. HARRY F. BYRD,
Senator from Virginia,
United States Senate, Washington, D. C.

DEAR SENATOR BYRD: This will acknowledge your letter of March 25 sending a copy of S. 890. It is our understanding that the companion bill in the House is H. R. 3426.

We advised the board that a subcommittee of the Senate Committee on Public Works would hear Government witnesses on April 7 and such others that might wish to appear in connection with this piece of legislation on April 12. The board did not believe it would be necessary for anyone to appear but has requested that the subcommittee be advised that it is opposed to S. 890 insofar as it is applicable to Virginia.

It would be appreciated, therefore, if these sentiments of the board could be made a matter of record with the subcommittee.

By copy of this letter, we are advising all members of the Virginia delegation in Congress of the board's sentiments.

Yours very truly,

A. H. PAESSLER, *Executive Secretary.*

THE STATE OF WYOMING,
DEPARTMENT OF PUBLIC HEALTH,
Cheyenne, March 8, 1955.

HON. DENNIS CHAVEZ,
*Chairman, Senate Committee on Public Works,
United States Senate, Washington, D. C.*

DEAR SENATOR CHAVEZ: As director of the Wyoming Department of Public Health, I wish to advise of our opinions regarding S. 890 as now pending before your committee.

Assistance given the Wyoming Department of Public Health in its water pollution control program by the Public Health Service has materially enhanced water pollution control activities in this State. Work of the Public Health Service in research, field investigations, development of comprehensive programs, and technical assistance have been properly coordinated with our own efforts to reinforce State programs without duplication. Leadership of service officers in developing uniform objectives of water quality and requirements for sewage and industrial waste treatment in the Missouri Basin has done much to effect harmony and uniformity among the programs of the several States, and has served well to stimulate and accelerate these State programs. Financial assistance under section 8 (a), Public Law 845, during the period such grants were available, did much to place our State program on a firm footing. Loss of these grant funds was a severe blow to our program, one from which we have not fully recovered.

We endorse the philosophy and partnership approach provided by Public Law 845. S. 890, now under consideration, continues these principles of demonstrated soundness. Strengthened Federal enforcement programs as provided for in sections 7 and 8 will in effect strengthen State programs by (a) precluding possible undue pressures on the State agency, and (b) permitting Federal enforcement to be an instrument in preventing new sources of pollution. Expanded and broader research actions as provided by section 4 is vitally needed and will be of great value to the overall program. Increased grants to State pollution control agencies for administering control programs, if effectuated on a continuing basis by uniform and consistent appropriation, will permit development of State programs to levels of effectiveness necessary to control pollution in reasonable time.

The complex approach to the relatively simple matter of allocating and distributing grant funds under section 5 is very disappointing, and in that pollution cannot be evaluated in concrete and precise terms as can morbidity, mortality, hospital construction needs, and other programs for which grant funds are customary. We recommend that section 5 be amended and replaced by a new section along the following lines:

"SEC. 5. There are hereby authorized to be appropriated \$2 million each for the fiscal year ending June 30, 1956, and the succeeding fiscal years, and such sums as the Congress may determine for each fiscal year thereafter, for grants to States and to interstate agencies to assist them in meeting the costs of establishing and maintaining adequate measures for prevention and control of water pollution. Such funds shall be allotted equitably and paid to the States for expenditures by or under the direction of their respective State water pollution control agencies and interstate agencies. Sums appropriated pursuant to this section shall remain available until expended, shall be allotted by the Surgeon General in accordance with regulations approved by the Department of Health, Education, and Welfare, and shall be paid prior to audit or settlement by the General Accounting Office."

The above would incorporate the desirable features of the original section 5 with the simplified procedures for distribution and control of grant funds already demonstrated to be effective by past experiences with Public Law 845.

With this minor revision we heartily endorse S. 890 as permanent legislation geared to essential control of water pollution within reasonable time and with proper balance of State and Federal responsibility.

Very truly yours,

FRANKLIN D. YODER, M. D., *Director*.

NEW ENGLAND INTERSTATE WATER POLLUTION CONTROL COMMISSION (AN INTER-STATE AGENCY REPRESENTING CONNECTICUT, MASSACHUSETTS, NEW HAMPSHIRE, NEW YORK, RHODE ISLAND, VERMONT)

STATEMENT RELATIVE TO S. 890

The New England Interstate Water Pollution Control Commission, after careful study and consideration of S. 890, a bill to extend and strengthen the Federal Water Pollution Control Act (Public Law 845), is greatly concerned over this legislation which was prepared and submitted for introduction into the 84th Congress by the Department of Health, Education, and Welfare without consultation with the States.

Several features of this bill would change the entire existing philosophy of co-operative Federal-State relations regarding water pollution control, wherein the Congress recognizes the rights and responsibilities of the States and interstate agencies in conducting their abatement programs.

Moreover, in approving the New England Interstate Water Pollution Control Compact, the Congress granted certain authority to this commission and its signatory States, which under the proposed legislation would be subject to Federal approbation and control.

The commission, therefore, records its opposition to those portions of S. 890 which would adversely affect the continued successful operation of the New England Interstate Water Pollution Control Compact.

JOSEPH C. KNOX, *Secretary*.

Adopted unanimously by the N. E. I. W. P. C. C., at Springfield, Mass., on March 24, 1955.

STATEMENT OF THE NATIONAL ASSOCIATION OF MANUFACTURERS SUBMITTED TO SENATE PUBLIC WORKS COMMITTEE WITH RESPECT TO S. 890, APRIL 26, 1955

The National Association of Manufacturers appreciates this opportunity to submit to you its views with respect to S. 890, a bill to extend and strengthen the Water Pollution Control Act. The association has about 20,000 members located throughout the country, representative of all types of manufacturers in many lines of industry.

Many members of the association have long been concerned with the problems incident to water pollution because their daily activities have depended on a usable quality of intake water and an effluent quality which would not cause downstream damage. In this connection the association itself since the beginning of 1949 has had a conservation committee, studying means for accomplishing the conservation of our water resources.

Industry has spent and is continuing to spend large sums of money to combat water pollution. Clear, usable water is a vital necessity to industry. Moreover, industry recognizes its share of responsibility for the health and welfare of the people of the Nation.

However, there are certain provisions in S. 890 which we feel are unnecessary and undesirable.

Upon examination of the proposed bill, it would appear that it is intended to broaden the jurisdiction of Federal authorities in matters involving water pollution in a way which will ultimately weaken the effectiveness of existing State organizations. It is our recommendation that the Federal Government confine its activities with respect to water pollution abatement to the field of fundamental research and assistance to the various States and local agencies in conducting their research programs.

In comparing S. 890 with the present Water Pollution Control Act, we find that section 2, while including much of the wording of section 466A of the present law, omits any reference to "interstate waters." The former law provided that the Surgeon General "adopt comprehensive programs for eliminating or reducing the pollution of interstate waters and tributaries thereof and improving the sanitary condition of surface and underground waters." The quoted words have been deleted. It would appear, therefore, that the Surgeon General would be directed to concern himself with surface and underground waters without reference to their effect on interstate waters.

Again in section 4 (a) of the proposed act, the Surgeon General is directed to conduct investigations, experiments, and studies relating to the causes, control, and prevention of water pollution. While this section is probably intended to authorize research projects, we feel that the language is broad enough to authorize an investigation by the Surgeon General of any water-pollution matter.

Paragraph (b) of the same section authorizes that the Surgeon General may "upon request of any State water-pollution control agency or interstate agency, conduct investigations and research and make surveys concerning any specific problem of water pollution." While the request of the State agency is stated as a prerequisite, no such limitation is included in paragraph (a) of the same section to which we have previously referred.

The present law authorized \$22,500,000 per year for use in making loans to the States. The new act contains no provision for loans. Section 5, however, authorizes \$2 million for the year ending June 30, 1956, and a like amount for the succeeding fiscal year for grants to States and interstate agencies. Paragraph (h) of section 5 provides that the Surgeon General may discontinue payments to a State agency if the agency's plan has been changed since its approval or if in the administration of the plan there is failure by the State to comply with some of the requirements. Thus, Federal control of joint projects would seem to be assured.

It is the considered opinion of this association that it should be the duty of the Federal Government to limit its functions to the ends of promoting and strengthening State sovereignty, and of promoting acceptance by the States of their full responsibilities. The fiscal position of the States should not be enhanced by direct Federal payments to them. Therefore, use of the grants-in-aid mechanism by the Federal Government as a method of permanent and continuing contribution to the States should be terminated with all practical promptness. Federal activity in regard to State and local programs should be confined to leadership through research and advice. It should not extend to initiation or subsidy of, nor to other financial participation in, programs of these jurisdictions. Rather it is felt that the Federal Government should encourage States to pass enabling legislation to allow municipalities to issue revenue-producing bonds and thereby encourage them to build disposal plants.

Section 6 of the proposed bill would continue the Water Pollution Control Advisory Board but would increase the Board from 11 to 15 members. Whereas Government representation in the present Board numbers 5, under the proposed bill such representation would be increased to 8, as against 7 from other sources. The Board is to consult with and make recommendations to the Surgeon General on matters of policy relating to the activities and functions of the Surgeon General under the proposed act.

This majority of Federal representatives would give control to the Federal Government. In our opinion, this would constitute an unnecessary centralization of power in the Federal Government.

Under section 7 the Surgeon General is empowered to prescribe "standards of quality" if the States fail to develop standards acceptable to him which would be applicable to "such interstate waters at the point or points where such waters flow across or form the boundary of two or more States."

Section 7 (c) provides that the alteration of the physical, biological, or chemical qualities of such interstate waters below the prescribed water quality standards, whether the matter causing the pollution is discharged directly therein or reaches such waters after discharge into a tributary, is declared to be a public nuisance and subject to abatement as set out in the act.

Insofar as the pollution, therefore, reduces the water quality standards at the interstate point, it would seem that this bill authorizes the Surgeon General to go back to the point of discharge, even though it may be a small creek or tributary wholly within the boundaries of a State, and take steps (outlined in sec. 8 of the bill) to abate the nuisance.

It is the opinion of this association that where there is a conflict between State and Federal laws that the Congress in exercising its regulatory powers

should in each instance make clear that State laws on the same subject matter are not to be superseded unless a contrary purpose is expressly provided. It is our belief that Congress should also provide that Federal law shall not displace valid State law unless there is a direct and irreconcilable conflict between the two.

Paragraph (c) of section 8 authorizes the Secretary of Health, Education, and Welfare to call a public hearing if action to abate pollution is not taken following a notification to the offender. In the present law paragraph (d) (2) of section 466 requires two notices before the public hearing.

Paragraph (d) of section 8 of the new bill authorizes the Secretary of Health, Education, and Welfare to request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution. (The corresponding section of the present act, (d) (4) of section 466a, requires the consent of the water pollution agency of the State before the Attorney General is requested to start suit.)

In the present law, paragraph (7) of 466A (d), provides "The court giving due consideration to the practicability and to the physical and economic feasibility of securing abatement of any pollution proved shall have jurisdiction to enter such judgment. * * *" The corresponding section of the new act, paragraph (f) of section 8, omits the underlined language and contains nothing to suggest that the court should consider the practicability or feasibility of abatement. We feel that this is an unfortunate omission.

It is our firm opinion that the Federal Government, in line with the stated policy of the present administration to decentralize Government operation, should respect the sovereignty of the States over the waters within their boundaries. We see no justification for centralizing in Washington the final authority over matters primarily local in nature. State and local governing bodies are competent to handle pollution abatement and stream improvement, and where problems arise incident to interstate waters, these can best be handled most expeditiously and satisfactorily through interstate compacts.

The National Association of Manufacturers believes that in a free country which seeks to retain free, popular government, service responsibilities should be performed by the smallest units competent to handle the several public purposes satisfactorily and economically. The areas of national interest and concern in which only the Federal Government can adequately serve the national good must be distinguished from other areas in which State, or State-local, action constitutes as good, or a better way of promoting the national interest.

We therefore respectfully oppose the passage of S. 890 in its present form.

STATE OF NEW YORK JOINT LEGISLATIVE
COMMITTEE ON INTERSTATE COOPERATION,
New York 18, N. Y., April 20, 1955

Senator DENNIS CHAVEZ,
*Chairman Public Works Committee,
Senate Office Building Washington, D. C.*

DEAR SENATOR CHAVEZ: We enclose statement of this committee with respect to S. 890 which would amend the Federal Water Pollution Control Act. This committee acts as the agency of the legislature of New York State in matters of intergovernmental relations. In that role the committee has been associated since 1936 with the Council of State Governments and with the four interstate pollution agencies in which New York participates, namely, the Interstate Commission on the Ohio River Basin, the Interstate Commission on the Delaware River Basin, the Interstate Sanitation Commission for New York Harbor and adjacent areas, and the New England Interstate Water Pollution Control Commission. In addition, this committee played a leading part in the revision of the pollution laws of this state. In view of these facts, the great interest of this committee in both pollution abatement and interstate relations is clearly evident. We feel that S. 890 in its present form is not only a rather shocking departure from the understood pattern of Federal State relations in pollution abatement, but that it also is likely to weaken the work of pollution abatement generally. We feel that a new measure should be drafted with time for proper and adequate consultation with the states. We urge that pending such a careful and cooperative approach congressional action be limited to extending the present law.

Sincerely,

ELISHA T. BARRETT, *Chairman.*

MEMORANDUM RE S. 890 PROPOSED FEDERAL POLLUTION LEGISLATION

Public Law 845 (enacted in 1948) is intended to serve until a careful and just determination of the appropriate Federal function in the pollution control field can be made. However, it is already generally agreed that this determination is to be made with full regard for at least one fact: The primary responsibility for pollution control lies with the States. The nature of our Federal system and the character of State police power make this so. Moreover, the States, individually and in cooperation with one another, are making substantial and steady progress in pollution abatement and control.

Unfortunately S. 890 the measure proposed to replace Public Law 845 not only departs radically from this settled philosophy of State primacy but also may materially slow progress in pollution abatement. It raises a number of questions for which there do not appear to be ready answers. Some of these questions also may be inherent in the present law but this has not been considered serious because of the avowedly temporary and experimental nature of Public Law 845. Their proposed incorporation into the more permanent structure contemplated by S. 890 on the other hand should not be attempted prior to thorough considerations. In addition, S. 890 presents a number of crucial problems not even hinted at in existing law. The fact that this new legislation was drafted without consulting the States and became generally known to State and interstate agencies only after its introduction a month after the beginning of the present session has made it impossible to find adequate solutions for many of these vital problems. Nor does it seem likely that a satisfactory bill in so technical a field can be drafted during the current session of Congress. The present memorandum therefore must be limited to an analysis of the glaring weaknesses in S. 890 and can only make limited suggestions of a constructive character. Accordingly, as indicated later, the appropriate course for the present would seem to be extension of the present law for a limited time along the lines of H. R. 414 so as to permit a more systematic process of consultation and drafting.

I. CONSTITUTIONALITY AND CONGRESSIONAL INTENT

At the outset, it should be said that the entry of the Federal Government into classification of waters and enforcement of pollution abatement raises serious constitutional questions. The power over health and general welfare is generally considered to be within the State police power. Congressional authority stems principally from national power over interstate commerce. Whether the mere flow of water across a State boundary should be considered interstate commerce is a vexed question. However, aside from the question of constitutionality there is the very real possibility of expansive court interpretation of the statute so as to distort the intent of Congress. It will be recalled that in 1938 Federal legislation clearly designed to reach only those portions of petroleum and natural gas regulation that were beyond State jurisdiction became law with the active support of the States. Despite the universally expressed intention that the Federal action was to be only in aid of State regulation a series of court decisions has steadily eroded this intent of Congress to the point where the Federal Power Commission now exercises primary jurisdiction over many aspects of intrastate oil and gas regulation and displaces State action (*Phillips Petroleum Co. v. Wisconsin*, 347 U. S. 672 (1954), *Federal Power Commission v. East Ohio Gas*, 338 U. S. 464 (1950)). A similar displacement of the intent of Congress has occurred in the water power field. That Congress expected Federal Power Commission licensing of hydroelectric developments to proceed with due regard for State laws is apparent from a section of the Power Act (41 Stat. 1068, 16 U. S. C. sec. 802 (b)) requiring the Commission to satisfy itself that prospective licensees have met the requirements of State law before issuing a license. Yet, in the case of *First Iowa Hydro-Electric Cooperative v. Federal Power Commission* (328 U. S. 152; 1946) the United States Supreme Court held that compliance with State law was not necessary. (For a discussion of the early phases of these developments see Baum the Federal Power Commission and State Utility Regulation (1942)). In the light of the ill defined and extensive powers given to the Surgeon General in S. 890 there is real danger that enactment would be an invitation to similar interpretation and result in displacement of State action. Nor is the declaration of policy contained in section I of the bill any real insurance against so unfortunate a result particularly in view of what has happened to much more carefully drafted measures.

In fact, the Public Health Service appears to be bent on this same kind of expansive interpretation of the language of Public Law 845. Section 10 (e) of the present law defines interstate waters to mean "all rivers, lakes, and other waters that flow across, or form a part of State boundaries." The Public Health Service interprets this to include oceans and all intrastate waters flowing into oceans. Under this definition there is hardly a drop of surface water in the United States that is not interstate in character. Such a broad interpretation was clearly not intended. It can be justified only by interpreting the general phrase "other waters" to include the Atlantic and Pacific Oceans. As a matter of ordinary statutory construction and simple English, it would seem strange that Congress should have taken great pains to mention relatively small bodies of water like "rivers and lakes" specifically and leave the inclusion of an ocean to a process of ingenious construction. When this expansive view of the Public Health Service was questioned its reply was: "Certain benefits under this act such as loans for the construction of treatment plants can accrue to any State, municipality, or interstate agency that discharges untreated or inadequately treated sewage or other wastes into interstate waters or into tributaries of such waters (sec. 5). Intrastate rivers flowing into the ocean would otherwise not be considered as tributary to an interstate body of water. As Congress has specified that the island territories are to be considered as States, it seems clear that coastal waters should be considered as interstate, for a contrary interpretation would bar such territories from substantial financial benefits under the act. Nowhere in the language of the act or in the legislative history is there evidence that the contrary interpretation was intended." (Comments of United States Public Health Service to the Water Resources Policy Commission, Berkeley, Calif.)

Even if so generous a construction of the will of Congress were appropriate for the loan provision of Public Law 845, the attempt made in S. 890 is to make an identical interpretation apply to the enforcement provisions. The definition of interstate waters contained in section 10 (e) of S. 890 is the same as that contained in present law and construed by the Public Health Service in the above quotation. Should Congress adopt the present bill with this provision in it, the result would be to validate the Public Health Service's administrative interpretation which is dubious even for the present law and which certainly was not intended to apply to enforcement actions for the abatement of pollution. Such an interpretation when transferred to the enforcement field would in effect make virtually all waters now under the jurisdiction of State and local agencies subject to overriding Federal action.

II. STANDARDS AND CLASSIFICATION OF WATERS

The bill would give the Surgeon General power to classify waters and to adopt standards of water purity. Since State and interstate agencies already do this work, it does not seem appropriate that a Federal agency should undertake the task, especially when the bill itself declares its policy and purpose to be that of recognizing State primacy in this field. It is true that the Surgeon General's power comes into play only after he has given the States an opportunity to make standards and classifications which meet his approval. However, this provision of the bill would produce a fundamental change in the relationship of the Federal Government and the States. The States would no longer be able to make policy in the pollution control and water use field. The function could be absorbed by the Surgeon General. State pollution control agencies would be relegated to the position of field agents of the Public Health Service confined within the decisions with regard to water use made by that agency and subject to complete displacement at the discretion of the Surgeon General. This is hardly a recognition of State primacy. Whether a Federal agency should have the power to determine standards of water purity and classify waters at all is an open question. But at the very least it would seem clear that such a power should be limited to areas in which there is no State or interstate action and where State policy has not been declared.

III. THE PROBLEM OF ENFORCEMENT

S. 890 gives the Surgeon General power to enforce pollution abatement. By the terms of the bill, this power is a completely independent one. It is in no way coordinated with State policy. He can proceed with out any attempt to cooperate with State or interstate agencies except to notify them he is taking action. In fact his enforcement power is not even dependent on any prior governmental

determination as to desirable water use. Nowhere in the bill is there any indication that a standard of water purity or a classification of the water has to precede enforcement action by the Surgeon General. Under these circumstances, the bill does not even provide the violator a chance to know what the law is before he becomes a defendant in abatement proceedings. This is not due process of law.

But even if this defect is remedied, a number of basic questions remain. Why should the Federal Government enforce if State law is supposed to be paramount in this field? What is the advantage of Federal enforcement over State or interstate enforcement? With reference to this latter question, it should be pointed out that the Federal Government does not have a good record in pollution abatement. For many years, oil pollution in harbors has been under Federal jurisdiction. Yet the situation is bad. Moreover, in many localities, installations operated by the Federal Government are serious offenders in the pollution of waters. In the light of the record, what reason is there to believe that a Federal agency will do a better job than State and interstate agencies?

Moreover, it should be noted that S. 890 does not even offer the hope of clearing up pollution from Federal installations. At the very time that State policy is being superseded and the Surgeon General is being given a roving commission to enforce his own notions of water use and purity on the States, municipalities, and private persons, section 8 (h) of the bill in effect exempts Federal installations and projects. All that the Federal agency concerned needs to do is make an agreement for the discharge of sewage with a municipality or other public body. In practice such agreements are easy. The same section of the bill categorically provides that no proceeding with regard to installations or projects covered under such agreements may be undertaken under this act by the Surgeon General or anyone else. The net result is that the Surgeon General is given complete authority over the States, their political subdivisions and private persons but will not have any power to deal with pollution by Federal agencies. Presumably he cannot even make recommendations to a Federal agency. Section 8 (h) is so worded that many of its implications can only be conjectured. For example, could the Surgeon General make an agreement with some municipality, special district or other public body providing for standards lower than those required by a State or interstate agency? Could a local public body make an agreement with a Federal agency and plead the policy of Congress as contained in Section 8 (h) plus the contract clause of the Constitution as a means of evading State or interstate standards?

IV. WHAT KIND OF POLLUTION CONTROL?

Another basic question raised by S. 890 is what kind of pollution control shall we be permitted to have? The virtually unlimited powers of enforcement given to the Surgeon General seem to indicate that pollution control agencies of the recommendatory type are to have a highly uncertain future. In fact, it would appear that since the definition of "interstate agency" contained in section 10 (b) of the bill is in terms of agencies having "substantial" powers or duties, an agency of the recommendatory type would even be foreclosed from receiving the benefits of the research and training aspects of the legislation.

In addition, the power given to the Surgeon General to set standards of water purity and classify waters would seem to take away the principal basis of the recommendatory agency's operations. In fact, the existence of such a power in a Federal agency would seem to be a good way of discouraging interstate agencies of the recommendatory type and for that matter of any type.

At the present time, State laws and interstate compacts of both the recommendatory and enforceable types exist. When to use one and when to use the other has been and is now a question for the States to decide. If the scales are now to be so severely tipped in favor of the coercive approach, the decision should not be taken lightly. This is especially true when it is remembered that some of the most impressive pollution abatement work has been done through a process of education and recommendation.

Moreover, it should be emphasized that a likely effect of such a Federal law would be to discourage and obstruct State pollution abatement efforts. The loan provisions for construction of treatment works contained in present law have been unsatisfactory because they have made it plausible for polluters to argue for delay in abatement action. Even though Congress has not appropriated any money to implement the authorization of such loans the hope that Federal money will some day be available has made it difficult to secure action now. This is

generally considered to be the reason for omitting the loan provision from future legislation. It seems probable that the present bill will have similar effect in many areas by making it appear as though there ultimately will be major Federal enforcement activity. The States will be faced with the argument that it is unnecessary and unwise for them to spend their own money and effort on pollution control programs. Polluters will also argue that no State action should be taken in the absence of Federal action.

This tendency will ultimately build up pressures for extensive Federal action, administrative machinery and financing. There is really no reason for States to continue to administer a program in which policy will be so completely determined by the national Government. We understand that public health service personnel in very recent attempts to explain the bill's provisions to State and interstate officials have taken the position that there is no intention to make wide use of the Federal enforcement provisions of this bill and that accordingly Federal expenditures also will be very limited. If this is true, it would seem unfortunate to mislead the public as to the actual consequences of administering the proposed bill. It would seem better to omit a power that is not really intended for substantial use especially in the light of possible future misinterpretation of congressional intent as discussed earlier. Under these circumstances, there are doubts that the passage of this bill would secure pollution control any faster than it is now being attained. In fact the result well might be that progress would be at a slower pace.

But even if Federal enforcement were of practical value, it may still be questioned whether the same results could not better be achieved by other means. To the extent that State laws and interstate compacts provide enforcement techniques and action, there is no need for duplicating effort by the Federal Government. It can be expected that such State and interstate efforts will increase and become even more widespread, especially if the Public Health Service actually starts encouraging compacts as present law directs it to do.

It can be argued that downstream States may not always be able to get satisfactory action from polluters in upstream jurisdictions. However, to the extent that this may be so, why should not the downstream State itself enforce? At the present time, a State can sue another State or a polluter in the Supreme Court by virtue of the original jurisdiction conferred by article III of the Constitution. The undue pollution of water flowing across a boundary is certainly a tort. Indeed, it may be possible to work out a procedure through which the appropriate officials of an adversely affected State could proceed in the courts of the upstream State or in the lower Federal courts. Such a remedy would be more direct than action by the Surgeon General and the Attorney General of the United States and would call for no supplantation of State authority. If the States had been consulted during the drafting of S. 890, this and many other matters might have been worked out.

Since the downstream States are the ones to be protected, there is another approach that comes to mind. If there is to be any Federal enforcement action at all, it probably should be only at the behest of the downstream State and on complaint from that State. In this event the law should provide for a period during which the agencies of the upstream State could seek to correct the abuse or enter into an agreement to do so. If a solution is not achieved in this fashion, Federal enforcement might follow.

V. GRANTS-IN-AID

It is not at all clear whether there should be any grants-in-aid in the pollution field. If the States are to make the policies and if they are primarily responsible for pollution control, it is dubious that the Federal Government should finance any part of the administration of pollution control policies. This is especially true when, in the light of the Federal Government's staggering financial responsibilities in other fields, the sums available for pollution control assistance are sure to constitute very minor proportions of the cost of such programs. It may be that the money, if the Federal Government chooses to spend it, could be better employed in the research activities provided for elsewhere in the bill; or, if grants-in-aid are to be part of the pattern, perhaps they should be entirely for research purposes.

Also we note that section 5 (h) (2) provides a very interesting method of appeal from decisions of the Surgeon General to withhold funds from State and interstate agencies. For years, there has been speculation over the desirability of providing review procedures in the grant-in-aid field. This com-

mittee would certainly favor exploration of such possibilities. However, a plan for such a review must be worked out with full appreciation of the delicate judicial balance within our Federal system and must meet both constitutional and policy problems satisfactorily. On constitutional grounds it may be wondered whether a State can litigate in a court of appeals as S. 890 contemplates. Article III of the Constitution specifically provides that suits to which a State is a party fall within the original jurisdiction of the Supreme Court. The only seeming exception to this rule so far as we know is represented by *United States v. California* (297 U. S. 175 (1936)) in which a State-owned railroad engaged in interstate commerce was held amenable to suit in a United States district court under the provisions of the Federal Safety Appliance Act calling for the collection of certain penalties by suit in district courts. In view of the plain words of article III of the Constitution it may be that this case was incorrectly decided. However, even if it is sound law, its rationale is that California in running a railroad was engaged in a private function and so assumed the character of an ordinary litigant. On the other hand receipt of Federal grant-in-aid money for the execution of a pollution control plan is clearly a governmental function. On policy grounds it would seem highly desirable to obtain the opinions of State attorneys general concerning the appropriateness of State participation in lower Federal court proceedings.

VI. ADVISORY COMMITTEE

The bill provides for the creation of an advisory committee on pollution control. Roughly half of its 15 members are to be Federal Government personnel. The remainder are to represent an assortment of private interests. The States are given one representative and interstate agencies none at all. This seems to be a strange arrangement in a field where State interest and responsibility are recognized to be primary. It is equally strange that no provision should have been made for representation of interstate agencies in a measure avowedly designed to support State pollution abatement efforts in interstate waters. The agencies which have been outstanding in the abatement of pollution in interstate waters are the interstate agencies, the Ohio River Valley Water Sanitation Commission, the Interstate Sanitation Commission (New York, New Jersey, Connecticut), the Interstate Commission for the Delaware River Basin, the Interstate Commission for the Potomac River Basin and the New England Interstate Water Pollution Control Commission. New York is gratified with the progress of the interstate agencies to which New York is party. There is no doubt that the Interstate Sanitation Commission has done an excellent job on the difficult problem of the abatement of pollution in New York Harbor and adjacent areas. Nor is there any doubt of the importance of Incodel in the progress on the Delaware. The Ohio and New England commissions with much later starts have already made notable progress and established sound foundations for future action. It would seem that a more appropriate balance among the Federal, State, local and nongovernmental interests should be worked out in any advisory committee arrangement.

VII. HEARING BOARD

The bill contains an ingenious scheme for composing the hearing board that is to make administrative determinations in abatement cases. Quite aside from and in addition to the objections to the scope of proposed Federal enforcement raised earlier, the composition and functioning of this board presents intricate problems. If there is to be Federal enforcement, why should not the States have more than one member of the board? The present arrangement is a far cry from recognition of the primacy of the States. Moreover, which State or States or interstate agency is the presently contemplated member to represent? What is the purpose for fixing a minimum size for the board but no maximum? Apparently, while the bill takes care to restrict the Surgeon General's power over the board by requiring that a majority of its membership be from outside the Public Health Service, the same Federal official may make the board as large as he chooses and select its personnel, thereby imperiling its judicial character.

To return to State representation on the board. Aside from the policy question, the legal ramifications of this arrangement should be thoroughly explored to make sure that the plan is possible. It may be that service of a State officer in his official capacity on a Federal quasi-judicial board would raise constitutional questions. Probably these could be worked out by State and Federal legislation properly dovetailed. But if State representation on the board is to

act as any protection of State primacy in the field, careful attention should be given to the names of legally accomplishing this representation and to the relative strength on the board of such State representation.

VIII. ENCOURAGEMENT OF INTERSTATE COMPACTS

One of the prime duties of the Public Health Service under present law is the encouragement of interstate compacts. S. 890 retains this provision of the law. Yet it hardly seems that interstate cooperation in this field will be encouraged by transferring large portions of authority over the pollution field to the Federal Government and by offering the interstate compact agency little more than the prospect of administering policies and programs reflecting the views of the Surgeon General rather than those of the compacting States.

In fact, it is submitted that to date the Public Health Service has not encouraged or assisted in the formulation of any interstate compacts for pollution control. During the life of Public Law 845, the Public Health Service, to the best of our knowledge, has suggested no compacts and has participated in the formulation of none. It would seem more appropriate to pursue this avenue already in the law before asking for further authority to act directly in a field that is admittedly one of primary State responsibility.

IX. CONSULTATION WITH THE STATES

S. 890 is a complex piece of legislation in a highly technical field. Substantial alternation of Public Law 845 should not be attempted until the many policy and legal questions have been resolved. The drafting of S. 890 presented no opportunity for their resolution; nor even for their presentation. The States were not consulted, despite the fact that the bill itself declares, and it is generally agreed that pollution control is of primary concern to the States. The introduction of the bill a full month after the beginning of the current session of Congress was the first notice of the projected action. The deficiencies in S. 890 are many. They range from basic departures from what is supposed to be the accepted philosophy of Federal-State relationships to procedural questions as to the proper approach to the pollution problem, to matters of administrative and legal detail. Moreover, the decisions made in portions of the bill on some of these matters must necessarily affect the nature of changes to be made in other parts of the legislation. In the light of these many unresolved questions, it seems apparent that it would be unwise to replace the present law with a definitive statute. Accordingly, it would seem more appropriate to extend the law in its present form until 1958, as provided in H. R. 414. In the interim, affected Federal, State, and interstate agencies should consult together so that when a bill is presented, there can be some assurance that it is a good one and that it takes account of the problems by State and interstate agencies. Since the jurisdiction of these agencies is primary and the responsibilities of the States paramount, the States should be given a full opportunity to present legislation and to participate in the formulation of a sound program of cooperative action.

BEFORE THE COMMITTEE ON PUBLIC WORKS OF THE UNITED STATES SENATE

COMMENTS ON BILLS S. 890 AND H. R. 3426 BY HON. VERNON W. THOMSON, ATTORNEY GENERAL OF WISCONSIN

I am respectfully forwarding to you my comments on the pending bill on water pollution introduced in the Senate as S. 890 and in the House as H. R. 3426.

My attention has been directed particularly to section 7 entitled "Water Quality Standards to Prevent Pollution of Interstate Waters" and which would authorize the Surgeon General to fix standards of water purity for interstate waters.

A question is raised as to whether the Surgeon General might be in a position to fix the standards so high as, for instance, to seriously limit industries on the Fox River, or if this hazard could be obviated by appropriate court action to test the reasonableness of such standards.

Section 7 (a) in substance provides that the Surgeon General shall investigate and in cooperation with other Federal agencies, with State water pollution control agencies, and with municipalities and industries involved, adopt standards of water quality based on present and future water uses, public water supplies, propagation of fish and wildlife, recreational purposes and agriculture, industrial, and other legitimate uses.

Some ambiguity arises out of the fact that the foregoing is modified by these words at the very end of the paragraph: "as he deems appropriate."

Immediately before these words reference is made to consultation with State water pollution control agencies, interstate agencies, and Federal agencies but nothing is said at this point about municipalities and industries which were mentioned earlier in the paragraph. If the quoted words are intended to fix absolute discretion in the Surgeon General so that, for instance, he might deem it appropriate to inaugurate standards without consulting anybody, the bill is subject to objection as vesting in him unbridled bureaucratic power.

Thus standing alone, paragraph (a) of section 7 certainly sounds objectionable in that it affords no guarantee of notice or opportunity to be heard on the part of other agencies, State or Federal, or municipalities or industries.

However, the foregoing objection is cleared up somewhat by the provisions which follow, and it must be remembered that the standards promulgated are not self-executing.

Paragraph (b) of section 7 provides that such standards are to be prepared only where the appropriate States and interstate agencies have not developed standards found to be acceptable by the Surgeon General.

Paragraph (c) of section 7 is rather important in that it defines as a public nuisance, subject to abatement, the alteration of waters which reduces the quality below the standards promulgated by the Surgeon General "and below the quality of such waters certified, by any State affected by such reduction, to be essential to its present or future uses."

This seems to set up two requisites, both of which must exist, in order to constitute a public nuisance that is:

1. Water that is below the standards set up by the Surgeon General, and
2. A certificate by some State that it is being adversely affected.

Perhaps all of the foregoing discussion is somewhat academic unless we pursue the matter further and see how section 7 fits into section 8 entitled "Enforcement Measures Against Pollution of Interstate Waters," since nobody is going to be hurt by any standards unless and until steps are taken to enforce the same.

Paragraph (a) of section 8 declares pollution of interstate waters which endangers the health or welfare of persons in other States to be a public nuisance subject to abatement.

No mention whatsoever is made in paragraph (a) as to violation of water quality standards established by the Surgeon General under section 7 (a). This appears to create further ambiguity. The drafter should have made it clear whether a public nuisance under section 8 (a) is the same thing as a public nuisance under section 7 (c) or whether this is an entirely new and additional type of public nuisance. Our guess is that section 8 (a) sets up a new and further definition of a public nuisance and our reason for saying so is that section 7 (d) provides that "nothing in this section shall prevent the application of section 8 to any case to which it otherwise would be applicable." If we interpret that correctly, it must mean that you can have a public nuisance under section 8 (a) which would not necessarily be a public nuisance under section 7 (c) and vice versa.

This leads us then to section 8 (b) which provides that if the Surgeon General has reason to believe "that any pollution declared to be a public nuisance by subsection (a) is occurring, he shall give formal notification thereof" to the persons causing the pollution and advise the water pollution control agency or interstate agency of such notification. The notification shall specify reasonable time to secure abatement of the pollution.

It is to be noted that the Surgeon General is not given the power to get out a notice for the type of pollution that occurs under section 7 (c) where water standards have been violated. Why he should be permitted to do so for one type of public nuisance or pollution but not the other is most puzzling indeed and does not make much sense.

Now going on with section 8 (c) and having in mind that we are dealing only with the type of nuisance defined in section 8 (a) we find that if action is not taken to abate the pollution within a specified time, the Secretary of Health, Education, and Welfare is authorized to call a public hearing before a board of five or more persons appointed by her and who may be officers or employees of the Department of Health, Education, and Welfare or of the water pollution control agency or interstate agency of the State or States involved. These agencies have an opportunity to select 1 member of the board and at least 1 member is to be a representative of the Department of Commerce.

On the basis of evidence presented at such hearing the board is to make findings as to whether pollution declared to be a nuisance by section 8 (a) is occurring. If it does so find, it shall make recommendations to the Secretary of Health, Education, and Welfare concerning measures which it finds to be reasonable and equitable to secure abatement.

After affording an opportunity to correct the situation by complying with the recommendations of the board, the Secretary of Health, Education, and Welfare may request the Attorney General of the United States to bring a suit to secure abatement of the pollution.

It should be noted that while paragraph (c) calls for a public hearing and paragraph (d) gives the alleged polluter a reasonable opportunity to comply with the recommendation of the board, nowhere is there any guaranty of notice of the hearing to the alleged polluter nor is there any specific provision giving him a chance to be heard.

Perhaps the most important paragraph in the entire bill is section 8 (f) relating to enforcement by a suit in Federal court brought by the United States Attorney General. This paragraph provides that the court shall receive in evidence the transcript of the proceedings before the board, a copy of the board's recommendation and the court "may receive such further evidence as the court in its discretion deems proper." The court has jurisdiction to enter such judgment and orders enforcing such judgment "as the public interest and the equities of the case may require." It is important to note that this is not just a judicial review of the record before the board, but that such record is merely evidence presumably subject to being rebutted by other evidence.

It seems inconceivable that a Federal court would enter a judgment against a defendant to abate either a public nuisance as defined under section 7 (c) or section 8 (a) in the absence of any opportunity for the defendant to be heard as to either the reasonableness of the water purity standards under section 7 (c) or as to whether health or welfare were actually endangered within the meaning of section 8 (a).

In the last analysis enforcement rests with the Federal court and if it abuses the discretion vested in it or disregards the equities of the case, its judgement would be subject to reversal on appeal.

It would seem that the provisions of section 7 and 8, which must be read together, are somewhat cumbersome, ambiguous, and confusing and that to say the least they involve a lot of waste motion and delay. This is especially true of the board to be set up by the Secretary under section 8 (c), a board with no power except that of making findings and recommendations. The Federal court would be bound neither by those findings nor recommendations. It would be much simpler and quicker if the action to abate the nuisance could be brought directly by the Surgeon General in Federal court without wasting time by having the Secretary of Health, Education, and Welfare set up a board which would actually not be much more than a debating society.

Also it would seem that there should be but one simple definition of a public nuisance under the act; namely, whether the alleged pollution endangers the health or welfare of persons in other States. If it doesn't, why should anyone be penalized to correct a situation that is not hurting anybody. If the situation is harmful to health or welfare, then relief should be granted irrespective of any complicated formula of water purity standards promulgated by the Surgeon General either with or without hearing or notice.

So much for the principal provisions of the bill. One thing that might well have been added would be some provision for Federal loans at low interest rates for municipalities whose financial picture is such that like Bayfield and Washburn they are unable to finance sewage treatment plants through commercial bond houses. Something could be worked out whereby if the municipality called for bids on its sewer rental bonds and there were no takers on a fair basis as to premium, interest, and so forth, the Federal Government would purchase the bonds at say a 3-percent rate as it is now doing under another act where colleges and universities are presently unable to finance needed dormitories. That would be constructive legislation and if properly handled the Government would not need to lose a cent.

VERNON W. THOMSON,
Attorney General of Wisconsin.

STATEMENT BY THE AMERICAN PAPER AND PULP ASSOCIATION CONCERNING S. 890 TO
EXTEND AND STRENGTHEN THE WATER POLLUTION CONTROL ACT, TO THE SENATE
COMMITTEE ON PUBLIC WORKS

This statement is submitted on behalf of the American Paper and Pulp Association, in opposition to S. 890. The American Paper and Pulp Association is the overall trade association for the paper and pulp industry in the United States. The paper and pulp industry is the fifth largest industry in this country, and has a total investment of \$7 billion with annual sales approximating the same amount.

In addition to 773 paper mills, the industry also includes 321 pulp mills. The industry operates in 38 States and Alaska. Since wood is its basic raw material, accessibility to the forest resources of the country is a controlling factor. During the year 1954, the pulp mills of the United States consumed 28.6 million cords of wood, of which 27 million were cut from the domestic forests, and 1.6 million cords were imported. The pulp industry, and to a large extent the paper industry, is typically a smalltown industry. The forests are the back country of America, and pulp and paper mills, like sawmills and other wood-using industries, are generally found in small communities, many of which have been created by and depend upon the operation of a single plant for their economic existence.

A second but perhaps primary controlling factor, much more arbitrary than wood supply, is that of water supply. It is essential that pulp and paper mills have large quantities of clean, usable water. In 1954, approximately 93,500 cords of wood were ground and cooked daily into pulp and converted into 86,000 tons of paper and paperboard. In addition, some 4 billion gallons of water were used daily in processing the raw materials through to the manufactured products. This water was, of course, not consumed. Most of it was discharged, to find its way back into the open water or nearby streams. This water, of necessity, carries waste materials that are picked up during the manufacturing process. Chemists and other research specialists have discovered ways to use some of these waste materials in the production of usable byproducts, and the pulp and paper industry has developed processes through which the laboratory discoveries can be adapted to economic production. Unfortunately, there are some of these waste materials that research has as yet found no way to use profitably. However, it should be pointed out that these waste materials are not deleterious to human health.

It seems superfluous to say that the management of any industrial plant would prefer not to pollute the stream into which its effluent is discharged, and that it would prefer to recover from the water used in its manufacturing process, all waste material that can be used in the economic production of any salable byproduct. To that end, the pulp and paper industry, through its individual mills and by cooperative effort has spent and is continuing to spend millions of dollars in an effort to abate stream pollution. As evidence of the industry's activity, we call to the attention of this committee the fact that in 1943 the pulp and paper industry organized the National Council for Stream Improvement, Inc., which is supported by 95 percent of the companies in the industry. Over the past 10 years, National Council for Stream Improvement has spent upward of \$2 million on research relating to stream pollution problems. During this same period, companies in the pulp and paper industry have expended more than \$70 million in constructing waste treatment facilities to abate stream pollution. The staff of the National Council for Stream Improvement carries on a continuing review of current technical and economic developments in the field of stream improvement and is constantly visiting the various mills to review and consult concerning any abatement problem. Every effort is made to enlist the interest and support of appropriate public agencies. The extent and nature of the services rendered by the national council are well illustrated in its report for 1954, a copy of which is attached as an exhibit.

The pulp and paper industry, acting through the American Paper and Pulp Association and the National Council for Stream Improvement, Inc., is committed to continuing this program on a constantly expanding basis.

In 1947, when the Congress was considering bills which ultimately resulted in the enactment of the Water Pollution Control Act in 1948, the American Paper and Pulp Association appeared before the appropriate committees to advance its views with respect to the then proposed legislation. It was noted then that the pulp and paper industry recognizes that there is a national interest in the abatement of stream pollution. Indeed, there is a national interest in just about everything that affects the welfare of individual citizens or individual units of manufacture or trade throughout the country. Congress had previously recog-

nized that interest through the passage of numerous enabling acts, and the appropriation of funds for research and for cooperation with the several States in their efforts to bring about a more satisfactory situation.

It was our position in 1947, and it continues to be our view, that the Federal Government should restrict its activity in the field of water pollution abatement to fundamental research and guidance, leaving all enforcement to State authorities.

In the present Water Pollution Control Act, the congressional declaration of policy speaks in terms of abatement of water pollution. S. 890, which your committee has under consideration, is couched in terms of prevention and control of water pollution rather than abatement.

Section 2 of S. 890 deletes the reference in the present law to the elimination or reduction of pollution in interstate waters and tributaries thereof, and in its stead merely refers to the elimination or reduction of pollution and improvement of sanitary conditions of surface and underground waters.

Section 466e (b) of the present Water Pollution Control Act provides for the establishment in the Public Health Service of a Water Pollution Control Advisory Board to consist of 11 individuals, 5 of whom are to represent specified governmental agencies, and the remaining 6 to be appointed by the President from the public, representing such groups as wildlife conservation, municipal government, State government, and affected industry.

Section 6 of S. 890 would establish in the Public Health Service a Water Pollution Control Advisory Board to consist of 15 individuals. However, this proposed board would be weighted in favor of the National Government, 8 to 7.

Section 7 of S. 890 relates to "water quality standards to prevent pollution of interstate waters," and would therein introduce a concept not contained in the present act. It would empower the Surgeon General to establish standards of water quality, and provide that the alteration of the qualities of such interstate waters which reduces the quality of such waters below the water quality standards promulgated by the Surgeon General and below the quality of such waters certified by any State affected by such reduction to be essential to its present or future uses, shall be a public nuisance subject to the enforcement provisions of the act.

Enforcement procedures to prohibit pollution of interstate waters would be radically changed by S. 890.

Section 466a (d) (7) of the present act provides that a court considering an application for an injunction shall give due consideration to the practicability and to the physical and economic feasibility of securing abatement of any pollution proved. Section 8 of S. 890 deletes this language, presumably thereby precluding consideration of such factors by the court.

Section 466a (d) (4) of the present act requires the Federal Government to obtain the consent of the State water pollution agency or such officer or agency of the State as may be authorized to give such consent prior to bringing a suit on behalf of the United States to secure abatement of pollution. On the other hand, for all practical purposes, section 8 (d) of S. 890 would authorize the Secretary of Health, Education, and Welfare to request the Attorney General to bring suit on behalf of the United States to secure abatement of the pollution and disregard the affected State and the particular agency or officer of that State concerned with the abatement of water pollution.

The foregoing examples of differences between the present Water Pollution Control Act and the provisions of S. 890 demonstrate clearly that S. 890 would bring about a centralization in Washington of almost all authority relating to abatement of water pollution. The wishes of State governments, and the cooperative work being carried on by industry with the several States and by itself could be disregarded. There could be no certainty with respect to the administration of the law, as under S. 890 regulations and quality standards would be subject to change, depending upon the outlook of the Surgeon General and the complexion of the Water Pollution Control Board. To us, it seems an undesirable departure in administrative procedure to weight an advisory board in favor of Government agencies and thereby enable a complete disregard of the thinking of the public members of such board.

We submit that State and local interests are parallel in the great majority of cases, and that most interstate problems generally can be settled more satisfactorily and expeditiously at the State level. We believe that Congress should adhere to this principle in all legislation and certainly should not depart from this principle in order to vest in one man, in this case the Surgeon General, powers which conceivably could be subject to abuse. We believe further that adherence to this is in accordance with the stated policy of the administration in encouraging State control over matters which properly fall within their purview.

It is our considered opinion that the entire problem of water resources, water pollution, and stream improvement should properly be a function of State agencies, implemented where necessary by interstate compacts. All of the States have adequate laws to cope with any stream pollution problem that may exist in any of them. We agree with the concept of Public Law 845 (the present Water Pollution Control Act) to the effect that implementation of any measures dealing with water pollution and stream improvement problems is primarily the responsibility of the individual States concerned, complemented where necessary by interstate compacts. We oppose S. 890 and urge most strongly that it be not reported from this committee.

STATEMENT WITH RESPECT TO S. 890, A BILL AMENDING THE FEDERAL WATER POLLUTION CONTROL ACT

ATLANTIC STATES MARINE FISHERIES COMMISSION,
Mount Vernon, N. Y., April 21, 1955.

Senator DENNIS CHAVEZ, *Chairman*,
Senator ROBERT S. KERR, *Chairman, Subcommittee*,
Senate Committee on Public Works,
The Capitol, Washington, D. C.

MY DEAR SIRs: The Atlantic States Marine Fisheries Commission wishes to express its concern with respect to the proposed amendment to the Federal Water Pollution Control Act contained in S. 890. This Commission is an agency established by interstate compact among the 15 States of the Atlantic coast with the consent of Congress to implement cooperation among the States in fisheries administration, and reports annually to the Congress. The Commission is, of course, vitally concerned with pollution as one aspect of fisheries conservation and management. This interest of the Commission in pollution abatement has been recognized in that it received, under the terms of the Federal Water Pollution Control Act, a grant to collect and correlate available information with respect to pollution affecting the marine fisheries, and the reports thereon were transmitted to each of the 15 Atlantic coastal States, to the United States Public Health Service and the United States Fish and Wildlife Service.

The Commission's concern with the proposals contained in S. 890 fall generally into two major categories. First, it feels that this bill will tend to erode if not displace the present authority of State and interstate pollution agencies. Second, the Commission feels that the effect of the bill will may be to set back and slow the progress which is being made in pollution abatement.

As to the first point, it seems quite clear that the statement in the preamble as to State primacy in the field of pollution abatement is contradicted by the provisions of the bill which permit direct Federal classifications of waters and direct Federal enforcement of pollution abatement measures. Seemingly the bill also makes no provision for the improvement of present Federal regulation of harbor oil pollution, nor the proper control of the present pollution abuses of many Federal installations.

Aside from any philosophical questions as to the relative roles of the Nation and the States, this Commission is very much concerned with the effect of this measure, if enacted into law. The States generally have been making progress in pollution abatement. Certainly the interstate agencies have compiled a noteworthy record in some of the coastal areas, and rivers which are of direct concern to this Commission. The enactment of S. 890 would sap the strength of the present movement for pollution abatement by weakening the authority and prestige of the State and interstate agencies and by granting to polluters the argument that no action should be taken until the Federal Government acts. It would be difficult to argue that the States should enact stricter laws and provide for more effective administration, for such plea would be met by the contention that the Federal Government had taken over the field and that further action would be up to the Federal agencies.

This would require reliance entirely upon Federal action in this field which would necessitate large Federal expenditures and administrative organization. This Commission feels that such duplication of effort and displacement of existing agencies would be undesirable and would considerably delay progress, and that much better results would be obtained by the formulation of an effective plan for Federal-State cooperation in this field. S. 890 does not represent an effective cooperative plan, nor even an effective program for the abatement of pollution.

This Commission wishes to state that it has had effective and cordial relationships with the Public Health Service on a number of problems, but that it feels

strongly that the present Water Control Act should be extended temporarily with a view to formulating a more effective and more cooperative plan of joint Federal and State action through adequate consultation with State and interstate agencies. This Commission is therefore opposed to S. 890 in its present form.

Respectfully submitted for the commission by order of the chairman,

WAYNE D. HEYDECKER, *Secretary-Treasurer.*

STATEMENT OF C. R. GUTERMUTH, VICE PRESIDENT OF THE WILDLIFE MANAGEMENT INSTITUTE, BEFORE THE SENATE SUBCOMMITTEE ON FLOOD CONTROL, RIVERS, AND HARBORS, APRIL 25-26, 1955

Mr. Chairman, my name is C. R. Gutermuth. I am vice president of the Wildlife Management Institute of Washington, D. C., a privately financed, national organization dedicated to the better management and wise utilization of renewable natural resources in the public interest, and one of the oldest nonprofit conservation organizations in North America. The continuing efforts of this organization date back to 1911.

Public Law 845 of the 80th Congress, known as the Taft-Barkley Federal Water Pollution Control Act of 1948, represented the first step of the Federal Government toward an effective program designed to eliminate one of the most shameful blots on the American scene and a menace to health and welfare of the American people. The distinguished authorship of the original bill bespeaks of its bipartisan support and its importance at the time of passage; if anything its need has increased since its enactment and will continue to grow in proportion to the population expansion of the Nation. The extension and strengthening of the provisions of the Water Pollution Control Act, as provided in S. 890, are needed urgently.

The provisions of the proposed law embody features that would be improvements over the present law, which will expire in 1956 unless extended by Congress. Particularly commendable are the accelerated authorization of grants to States for the encouragement of research activities and the strengthening of the enforcement provisions of the present law. All of these features are those that the conservation organizations of the Nation would have liked to have seen embodied in the original Taft-Barkley Act.

Generally speaking, we feel that the Federal pollution-control bill has been effective in helping to reduce the pollution loads in our streams. The Public Health Service, operating under the terms of this law, has been successful in solving several important aspects of the pollution problem. The Model State Pollution Control Act has been adopted, with modifications, as basic legislation by nearly half of the States. The existing law, however, has deficiencies which S. 890 would overcome.

We feel that these deficiencies have been responsible for the unwillingness of successive sessions of Congress to implement the act with adequate appropriations; no more than a fraction of the funds called for under the terms of the original law have been appropriated by Congress. These views apparently are shared by the House Committee on Appropriations, which in striking \$1 million for grants to States for water-pollution control activities from the proposed appropriation of the Department of Health, Education, and Welfare commented: "The committee recognizes the importance of this work, but a considerable amount of funds are available to the Public Health Service, for this purpose. Moreover, the committee is impressed with the need of enforceable legislation in this field, and will be ready to review the program and the need for funds when such legislation is provided." (Rept. No. 228, Committee on Appropriations, House of Representatives, 84th Cong., 1st sess., Mar. 18, 1955, p. 11.)

In discussing the sanitary engineering activities of the Public Health Service, the House committee in the same report stated: "This bill includes \$3,500,000, a reduction of \$318,000 from the request and \$65,000 from the appropriation for 1955. These figures, however, are misleading since included in the appropriation for 1955 was \$270,000 for completing the fourth floor of the Robert A. Taft Sanitary Engineering Center at Cincinnati, Ohio, and \$537,500 for occupational health activities transferred to another appropriation. Taking into consideration all adjustments, the 1955 obligations, for activities which will be carried on under this appropriation in 1956, are estimated to total \$2,756,500. The amount recommended is therefore \$743,500 above the amount available for the same activities in 1955. All of this increase is for research in connection with air-pollution

control and water-pollution control and the basic laboratory facilities and activities related thereto. The major item disallowed was a request for an increase of \$145,000 for enforcement of the Water Pollution Control Act. The committee would have looked with favor on such a request were it not for the fact that the act is, in the final analysis, almost unenforceable."

In enacting the Water Pollution Control Act, the Federal Government assumed responsibility with the States for the regulation and control of stream pollution in interstate waters. We felt, and still feel, that the assumption of this responsibility was just and wise; a matter affecting the basic health and well-being of the citizens of this Nation certainly merits Federal regulation as much or more than the control of interstate trade and commerce.

Pollution is a creeping blight on the American scene—a constant threat to individual health, a deterrent to public recreation, and a depressant of property values along every major water course in the United States. Certainly the relatively minute expenditures from the Federal Treasury required to implement the provisions of S. 890 will be more than offset, if the proposed law is enacted and enforced, by increased tax returns from areas now blighted by pollution and by the improved health and welfare of the inhabitants of such areas. We believe that the enactment of the proposed law is not only in the public interest but is needed vitally by the American people. We hope that this subcommittee will make a favorable report on this bill.

STATEMENT BY REPRESENTATIVE OF THE FEDERATION OF SEWAGE AND INDUSTRIAL WASTES ASSOCIATION ON S. 890 BY DAVID B. LEE, PRESIDENT

I am submitting this statement in support of Senate bill 890 on behalf of the Federation of Sewage and Industrial Wastes Associations. The association consists of 38 State member associations covering all of the States in the Union except 2. The association is supporting this legislation not only because it is believed to be sound but because it is to be administered by an agency with which the States have worked with mutual confidence for years on a number of programs. The Public Health Service has worked closely with the States in a team approach, proven to be most effective in solving problems in public health.

In general, the chief engineers of the State departments of health under statutory authority are responsible for the safety of public water supplies, the treatment and disposal of sewage and wastes to prevent pollution of streams and protect water supplies and for the conservation of water for reasonable and essential use. The problems of the protection and conservation of our water resources are nationwide and common to all States.

Experience in working with the Public Health Service over the years has demonstrated the effectiveness of Federal support in strengthening State water pollution control programs throughout the country. Accordingly, the association supported S. 418 which became Public Law 845, 80th Congress, known as the Water Pollution Control Act, and the amendment, Public Law 579 of the 82d Congress, which extended the authorizations of the act for 3 years.

The association strongly supports the declaration of section 1 of the bill that it is the policy of the Congress to (a) recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling pollution; (b) support and aid technical research; and (c) provide Federal technical services.

In section 2, the bill continues the authorization of the present act with respect to development of comprehensive programs for the control of water pollution. Using this authorization, and data obtained from the respective States, the Public Health Service has completed factual reports indicating the magnitude of the water-pollution problem and showing that the problem is national in scope, and requires a coordinated effort. This record of factual data, which is kept current as a cooperative Federal-State activity, is a basic necessity of the water-pollution control programs.

Under section 3 of the bill, interstate cooperation and enactment of uniform laws are encouraged. Encouragement of interstate cooperation has proceeded through interstate compacts, through regional councils and through the development of improved State pollution-control legislation. The help of the Public Health Service in the development of suggested State water-pollution control legislation, which has been endorsed by the council of State governments, has aided materially in bringing about improved water pollution control legislation in a considerable number of States.

The research facilities of the Robert A. Taft Sanitary Engineering Center at Cincinnati are vitally needed to furnish the basic know-how so essential to the States to solve their problems. A strengthened and broadened research effort, as proposed in section 4 of the new bill, is needed to keep State programs abreast of the rapidly growing problem—especially with reference to new types of wastes whose behavior and effects on streams, and on the people who use this water, are as yet little understood. The bill proposes grants for research in water pollution to universities and other institutions which have potentials as yet little utilized for contributing to the solution of these new problems. Experience has demonstrated conclusively that such grants, by encouraging institutions to undertake research in this field, lead invariably to expanded efforts financed through numerous sources.

Consulting services to States have been invaluable in helping to solve the more complex aspects of water pollution. The Public Health Service has provided a central pool of expert consultants who are available to assist all of the States on these problems which, although not occurring frequently in any one State, do arise frequently around the country. Likewise, the Public Health Service's contributions in educational materials and guides have supplemented the State efforts in varying degrees, and thus have had an important effect in developing the general public awareness and consciousness which are so essential to public programs of this nature.

Although the need is not the same in all the States, in many instances Federal grants to support State programs (sec. 5) have resulted in establishing sound and continuing State programs. The proposed bill would provide such funds on a matching basis for a broad scope of activities including the training of skilled personnel in the scarce categories. Experience has shown that many of our other State programs, now wholeheartedly and completely supported by the States themselves, were initiated and proven in their value through the matching mechanism.

Section 6 of the bill authorizes a Water Pollution Control Advisory Board with presidentially appointed members as well as representation from certain Federal agencies. The Federation of Sewage and Industrial Wastes Associations advocates the strengthening of this board by the addition of at least two representatives of State water-pollution control agencies.

Section 7 of the bill relates to the establishment of water quality standards at State boundaries. This is a new provision in Federal legislation and it is our understanding that it is intended primarily as a preventive mechanism with regard to interstate pollution. The association feels that there are many situations where such standards would have a great deal of merit. However, we would strongly urge that the language be modified in two respects: (1) That such standards should be promulgated only for those interstate situations where the States concerned feel there is need, and (2) that the use of such standards should be limited to the preventive aspects and not be used as an enforcement mechanism. We believe that much of the preventive value of such standards would be lost if violations are to be used in Federal court actions. We urge the committee to delete from the bill section 7 (c) and (d) which relate to using violations of established standards in court actions.

Section 8 of the bill provides for Federal enforcement of interstate pollution where pollution from one State crosses a State line and affects the health and welfare of the people in another State. While the association believes that most cases of interstate pollution can be worked out cooperatively between the States, we recognize that there may be some instances where Federal action would be helpful.

Under the present Water Pollution Control Act, corrective action in Federal court can be recommended only with the consent of the State in which the pollution originates. This provision has been deleted in the bill now before the committee. The association is of the opinion that the provision of Federal intervention would be more acceptable to the States if the language of the bill was modified to require that court action be recommended only at the request of the State affected by such interstate pollution.

The bill would delete the limited construction loan and planning grant assistance to municipalities contained in the present act. In view of the fact that no appropriations were made under the present provision, most association members have no comments on this omission.

Summing up the situation, I can say for the Federation of Sewage and Industrial Wastes Associations that Federal support in all of these areas has contributed in varying degrees to the continuing strengthening and balancing of State programs. The proposed act will continue this support and in addition through the modifications in enforcement and through broadening research would make the Federal contribution more meaningful. We want, particularly, to emphasize the problem today in those States now on the threshold of large scale industrial expansion and the inevitable associated urban development. Heretofore many States have not been confronted with major pollution problems and hence have had no reason to be prepared for the difficult problems ahead. The type of assistance which this bill would provide will be vital to States facing this situation. As president of the Federation of Sewage and Industrial Wastes Associations and, as a past chairman of the Conference of State Sanitary Engineers, (this Conference consists of the chief engineers of the State health departments of the 48 States and territories) I strongly urge that this bill be given favorable consideration and passed by the Congress of the United States on behalf of the protection of our greatest natural resource "water."

HOOKEE ELECTROCHEMICAL Co.,
OLD CHANNEL TRAIL,
Montague, Mich., April 15, 1955.

Subject: S. 890 or H. R. 3426.

Hon. CHARLES E. POTTER,

The United States Senate, Washington, D. C.

DEAR SIR: We have reviewed the proposed legislation amending the Water Pollution Control Act of 1948 and feel that we must object to its passage. This bill would duplicate existing efforts on a State and local level attempting to control stream pollution and would lead to confusion, as a result of the overlapping nature of the regulatory powers presently existing and proposed on the State and local levels.

It does not seem that attempts to deal with this matter on a national level will enable anyone to cover the variety of problems involved and to improve conditions which, to a large extent, are relatively local in character.

It has been shown many times in the past that pollution problems cannot be legislated out of existence. These complete problems can only be handled by the cooperative efforts of all parties concerned.

The United States Public Health Service has in the past been helpful through the work done by their Industrial Wastes Section. It does not seem that they can improve conditions by setting local standards which can best be evaluated against local needs by local people. In addition, it must be realized that in many cases enough is not known about needs, causes, and effects, to intelligently determine standards. For these reasons attempts at regulation along the lines proposed are premature.

While it is realized that in recent years many vocal groups have been arousing public sentiment in an attempt to force the passage of all types of legislation on this matter, clear thinking people have felt that caution must be exercised in taking legislative action so that a realistic balance is kept between the needs of a highly industrialized civilization and the desire to maintain primordial conditions in our streams and atmosphere. It is truly unfortunate that where man will congregate, pollution will occur and while we all agree that this pollution must be kept to an absolute minimum, it is important that we avoid situations such as occurred in California where premature passage of legislation to abate the smog in Los Angeles before anything was known about it only resulted in the expenditure of many millions of dollars fruitlessly.

For these reasons we feel that the proposed legislation should not be passed. We hope that this discussion of our opinion on this matter will be of assistance to you in your determination of a proper course of action. We have spent much time and effort in connection with this very complex problem and feel that our conclusions are sound, since they are based on a close familiarity with the subject.

Very truly yours,

HOOKEE ELECTROCHEMICAL Co.,
J. A. TARDIFF, *Works Manager.*

HORNER & SHIFRIN,
CONSULTING ENGINEERS,
St. Louis 3, Mo., April 22, 1955.

HON. DENNIS CHAVEZ,
Chairman, Public Works Committee,
United States Senate, Washington, D. C.

DEAR SENATOR CHAVEZ: As a member of the President's Water Pollution Control Advisory Board, and as a sanitary engineer engaged in the planning and design of water-supply and water-pollution-abatement projects, I am especially cognizant of the need for legislation in this field, both at the local and national level.

Through Mr. Carl D. Shoemaker, a member of the Water Pollution Control Advisory Board who resides in Washington, I have been advised that Senate bill S. 890 is being questioned by opposition groups as to certain matters. These matters, I understand, relate to the effect of the legislation on States rights and of the desirability of setting up standards for interstate streams as discussed in section 7.

As to the first matter, it is my judgment, from having studied the legislation, that the proposed and existing laws have been conceived with an especial effort to avoid encroachment on States rights. Every opportunity is given and means of assistance through research and grants for administration of States' programs are offered specifically to allow States the opportunity to correct conditions within their borders. The controversy apparently has developed from the deletion of the veto power of an offending State where an interstate problem requires a Federal suit. A careful study of the proposed act indicates that ample opportunity has been given, up to the time of legal proceedings, for the offending State to have corrected the condition. To continue the veto power would continue the usefulness of the act to cooperation and assistance. There would be little possibility of correcting an interstate pollution condition if the offending State was obstinate.

Regarding the matter of the setting up of standards, we who are in the sanitation field, recognize that the waterways of any modern country must be used in varying degrees for carrying off waste products of modern living and industrial activity. This necessarily requires the setting up of standards for various streams relating to the downstream uses of the stream and its natural characteristics. These standards determine the required degree of treatment of wastes. The lack of standards causes confusion and misunderstanding. Industries located on interstate streams look to someone for the standards they should meet. In such instances, the final answer must be given by the Federal Government if there is not a compact of affected States dealing with this matter in a particular instance. The law provides for Federal standards to be developed in cooperation with the affected States and then only if the States have not developed standards by mutual agreement or interstate compact within a reasonable length of time.

Naturally, I am in favor of the proposed legislation as to principle and, in general, as to detail, this even though I personally dislike the concentration and centralization of power in Federal bureaus. I believe this is a case, as there are so many others, where the growing complexity of our living requires more and more regulations as to conduct. Obviously, a primitive environment with low population density does not require water-pollution-abatement control. It is necessary in our highly integrated society to protect the public health and welfare and to conserve a valuable resource, water.

Sincerely yours,

VANCE C. LISCHER.

ORMOND BEACH, FLA., April 2, 1955.

COMMITTEE ON PUBLIC WORKS,
United States Senate, Washington, D. C.

DEAR SIR: As an appointed civilian member of the Water Pollution Control Advisory Board during the past year, I have studied the problems involved. Twice I have inspected the Robert A. Taft Laboratory, in Cincinnati, and have the highest praise for the Congress and the men who have provided this invaluable instrument for national health.

Senate bill 890 has been studied individually and collectively. I wish to comment personally upon:

1. The disallowance of \$145,000 for enforcement of the act.

2. The elimination of the appropriation of \$1 million for the inauguration of a research-grant program on water pollution.

1. Granting that Federal enforcement is difficult, tedious, and lengthy, the end desired is attained in various ways by the process of enforcement. Information is disseminated. Public opinion crystallizes and exerts its pressure. Worthwhile objectives can be secured, which will not happen if action is known to be impossible. I favor the retention of this \$145,000 item as essential.

2. The research problem is vast, and the facilities of the Robert A. Taft Laboratory are limited. Tapping the great field of university scientific endeavor with selected grants will provide a great potential augmentation of research, which will cheapen the cost of pollution abatement. Attack on this problem must not be delayed. Population increase is beyond all expectation, and water problems grow correspondingly more acute. I favor replacing the \$1 million requested for this purpose, and appropriating it.

Yours very respectfully,

HOWARD P. SAWYER, M. D.,
Sanbornville, N. H.

NATIONAL PARKS ASSOCIATION,
Washington, D. C., April 29, 1955.

STATEMENT OF NATIONAL PARKS ASSOCIATION ON S. 890 TO EXTEND AND STRENGTHEN
 THE WATER POLLUTION CONTROL ACT

The National Parks Association urges that S. 890 be enacted but that it be strengthened to achieve more positive results.

Our national parks protect sources of water in the watersheds, and so do not themselves usually suffer from polluted water; but even in the national-park system are some notable examples of this problem. Lake Mead, for example, was once deemed of high recreational value. Today, beaches there have had to be closed because of bacteria in the morass of mud created by draw-downs that expose the silt are a menace to human health. The once beautiful Rock Creek in the Nation's Capital, is now a depleted flow of lifeless silt and sewage, increasingly polluted as time advances, affecting the value and use of the park by the people.

The National Parks Association is also concerned with the preservation of all kinds of natural areas for their contribution to the physical, moral, and spiritual health of our people. As our population grows, these values are increasingly essential to provide relief from the strains and tensions of our urban, industrialized culture, and must be safeguarded. Every clear stream contributes to these ends—yet it is difficult today to find any river that has not been so polluted as to kill all life in it and to render its recreational use a menace to health.

This problem has been growing for decades. Some States and municipalities have taken positive action to treat sewage and abate pollution with notable success. But by and large, their attitude has been "why should we expend our funds to clean up our portion of the river, until or unless our upstream neighbors take action to prevent their waste flowing down to us?" Protesting on the one hand they cannot or will not correct the situation at their own doorstep, they object vociferously to proposals that the Federal Government be given adequate authority to see that the job is done. Yet these same unwilling and recalcitrant States and communities are suffering from alarming shortages of water clean enough to be used for domestic purposes. Their progress is impeded, and they cannot attract enterprises that will build their economy. Just as a fish in a polluted stream dies because of lack of oxygen, food, and healthful conditions, so the streamside communities are deteriorating because their sources of water are running sewers. If the question they asked is to be answered, and their own welfare is to be served, they should welcome action by an authority that is not restricted to State boundaries.

In 1948, legislation was at last considered that would give the Public Health Service some reasonable measure of authority to control situations where the States would not or could not act effectively. It was good legislation, as it was discussed by the committees; but in the process of enactment, after the hearings, it was emasculated to render it almost ineffectual. Public Law 845 has enabled the Public Health Service to do educational work that has encouraged local governments and industry to plan for sewage treatment when under-

taking new projects, to aid financially to a much too limited extent, and to help work out cooperative compacts. These are progressive steps; but the pollution menace increases constantly in spite of them, and our streams remain a disgrace to a progressive Nation.

It appears to us more than reasonable effort has been made to respect State rights and to urge the States and local governments to clean their own environs. It is clear that a hands-off policy will never solve the problem, and that the most vocal objection to sensible Federal regulation comes from the most recalcitrant offenders. The health and welfare of the Nation require—urgently—that Congress exert its powers to secure remedial action.

Therefore, we urge the Public Health Service be given real authority to act with emphasis when such power is appropriate. The procedure for enforcement in section 8 of S. 890 seems to be unduly complex, and it contains so much variation as to provide legal loopholes that will make the act difficult to enforce. If polluters fail to comply with the recommendations of the advisory board, section (d) should make filing of suits mandatory. The language relating to court procedures should be made as simple and positive as possible, with consideration of the need to avoid complex technical consideration by the courts that will clog their dockets.

If feasible, it would be desirable that provision be made in the act prohibiting creation of new sources of pollution, so that the present situation can be arrested where it is.

FRED M. PACKARD, *Executive Secretary.*

Senator KUCHEL. We will now go forward with hearings on S. 928, a bill to amend the Water Pollution Control Act in order to provide for the control of air pollution. The text of S. 928 was inserted in the record of hearing at the first session of the subcommittee, and I would like at this time to insert in the record reports from the Department of Health, Education, and Welfare, the Department of the Air Force speaking for the Department of Defense, the National Science Foundation, and the Bureau of the Budget.

UNITED STATES DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,

Washington, D. C., April 21, 1955.

HON. DENNIS CHAVEZ,

Chairman, Committee on Public Works,

United States Senate.

DEAR MR. CHAIRMAN: This letter is in response to your request of February 4, 1955, for a report on S. 928, a bill to amend the Water Pollution Control Act in order to provide for the control of air pollution.

The bill would add to the Water Pollution Control Act a new title on air pollution control. The new title would state the Federal policy to be to preserve and protect the primary responsibilities and rights of the States and local governments in controlling air pollution, to support and aid technical research on methods of air pollution abatement, and to provide technical services and financial aid to States, local governments, and industries in the formulation and execution of air pollution abatement programs. The Surgeon General would be directed to prepare or adopt comprehensive programs for air pollution control, and authorized to encourage cooperative activities by State and local governments, encourage the enactment of uniform State laws, collect and disseminate information, support and aid (through grants, contracts, and otherwise) research, training, and demonstration projects by non-Federal agencies, and furnish other assistance as appropriate in relation to the control of air pollution.

The bill would authorize appropriations for these various activities for the 5 fiscal years beginning July 1, 1955, and ending June 30, 1960.

Within recent years, evidence has increased rapidly that air pollution is adversely affecting the health and welfare of the population in many urban and industrialized communities. The publicity given to certain areas in which the problems have become critical only highlights a more general condition in many urban areas of our country. While considerable success has been attained by municipalities in the control of smoke discharges, the general problem of air pollution due to other forms of particulate matter, vapors, and gases has increased in severity with the growth and greater technical complexity of economic and community activities. The control of air pollution is hampered by inade-

quate scientific knowledge concerning the production, nature, interactions, effects, and atmospheric dispersal of air pollutants and by lack of available control procedures in some cases.

There is, in our opinion, no question as to the desirability of legislation such as that proposed by S. 928 to authorize a Federal program of broad research and technical assistance on air pollution problems. The Public Health Service is currently conducting and supporting air pollution research under existing authorizations relating to health. There is need, however, for a broader legislative authorization to encompass related community aspects of air pollution, and need for future expansion of research and studies to overcome the deficiencies in technical knowledge required for effective control efforts.

The 5-year period authorized in the bill for the conduct of the program is considered a minimum for the production of major research findings. Some useful results should be obtained in a briefer time; other studies, such as those related to chronic health effects of air pollutants, are expected to require longer than a 5-year period. We believe that at least 2 years' concentrated effort will be required to build up to the desirable level of research activity after available of initial appropriation. Thus, while it is not considered feasible to accomplish the entire objectives of the bill within the 5-year period of program authorized, the time limitation may serve a useful purpose in providing the occasion for a reappraisal of program toward the close of the 5-year period.

A number of Federal agencies now have responsibilities related to air pollution but not directly concerned with a program designed to extend technical assistance to States and local agencies for air pollution control. These include the responsibility of the Department of Agriculture for advice to farmers as to methods for overcoming the effects of air pollutants on crops and livestock, the responsibility of the Department of the Interior concerning health and safety conditions in coal mines, and the responsibility of the Atomic Energy Commission, the Department of Defense, and other Federal agencies operating or controlling industrial establishments to control the emission of pollutants therefrom. It is assumed that this bill does not intend to limit or supersede such existing responsibilities, and the addition of a specific saving clause to this effect would be appropriate.

Several other Federal agencies have facilities and competences which should be used, rather than duplicated, in a comprehensive research program on air pollution. These include the United States Weather Bureau, Department of Commerce, with its extensive facilities for meteorological observations and studies, and the Bureau of Mines, Department of the Interior, with its long background of studies on the efficiency of combustion of fuels. If given the responsibilities proposed in this bill, this Department would consider it desirable to use, under the provisions of the Economy Act, the services of other Federal agencies to the fullest extent feasible and appropriate. Therefore, since the provision in section 208 (b), authorizing the use of officers and employees of other Federal agencies to assist in carrying out the purposes of the bill would appear to be restrictive, we believe that it should be deleted.

To provide a close relationship with the other agencies, the organization of an interdepartmental advisory committee, with initial membership consisting of representatives of the Federal agencies named in section 206 of the new title proposed by the bill plus the Atomic Energy Commission, to assist in program planning and cooperative action would be highly desirable. However, we believe that membership on such an interdepartmental committee should not be rigidly specified in law and that the committee can best be established by executive action. Such an interdepartmental committee is now functioning on an ad hoc basis and its role can be enlarged and strengthened upon passage of this legislation.

We would therefore suggest the deletion of the provision in section 206 for the establishment of an Air Pollution Control Advisory Board. The proposed interdepartmental advisory committee would fulfill many of the functions of such a Board. Moreover, unlike the water pollution field in which a similar board now exists, instances of troublesome interstate air pollution are few in number and no Federal legal control over interstate air pollution is currently proposed. It is believed that the functions to be provided by the non-Federal representatives on the Board can be furnished through the services of selected consultants.

We question the desirability of extending financial aid to industries in the formulation and execution of their pollution abatement programs as provided in

the "general purpose" section of the bill (sec. 202) and note that no substantive provisions are included to implement this purpose.

The reference to grants-in-aid to States at the beginning of clause (1) of section 207 (2) of the proposed new title is somewhat ambiguous and may be construed to authorize formula grants to States for purposes other than research, training, and demonstration projects. We recommend that this reference be deleted. The general authorization for grants to and contracts with public (which would include "States") and private agencies, institutions, and individuals for research, training, and demonstration projects is adequate and more descriptive of the project-grant type of authority which is desirable in this area at this time.

We also believe that specific language authorizing the Public Health Service to engage directly in research on air pollution problems should be included as well as supporting research by other organizations, in order to make entirely clear the authority of the Public Health Service to conduct research in all the community aspects of air pollution.

Many problems of community air pollution are of local character with pollutants consequently affecting only the localities in which they arise. In other cases, larger or regional areas may be affected. We would suggest, therefore, that the authorization for preparing or adopting comprehensive programs be made permissive rather than mandatory in order to obtain the flexibility of operations desirable.

This Department has no current plans for additional buildings and facilities as included in section 207 (c) of the new title. However, in view of the complex nature of community air pollution and the possibility of development of unforeseen problems and of promising research leads which would require the use of facilities not now available, it is suggested that the authorization remain in the bill with the authority broadened to permit acquisition by other means as well as by new construction.

The provision in section 208 (a) of the proposed new title, for the appointment of five officers in the regular corps of the Public Health Service above the grade of senior assistant, is not necessary, in view of existing authorizations which would permit the appointment of officers required in conducting an air pollution program.

In summary, this Department is in agreement with the objectives of this bill and with the proposal for a comprehensive program of research, technical assistance, and necessary financial aid on the problems of community air pollution control. We recommend modification in certain sections of the proposed new title on air pollution as follows:

1. Addition of a provision that the act would not supersede or limit existing provisions of law pertaining to air pollution.

2. Deletion of section 208 (b) which would restrict the use of services of other Federal agencies to utilization of their officers and employees on a loan basis.

3. Deletion of the provision in section 206 which would establish an Air Pollution Control Advisory Board.

4. Deletion of the provision for financial assistance to industries included in section 202.

5. Clarification of section 207 (a) to authorize grants to States only on a project basis, the same as to other agencies, institutions, and individuals, for research, training, and demonstrations.

6. Addition of a provision to authorize the Surgeon General to conduct research and studies relating to air pollution and its prevention and abatement.

7. Permissive authorization rather than mandatory direction in section 203 (a) for the Surgeon General to prepare or adopt comprehensive programs for eliminating or reducing air pollution.

8. Deletion of the provision for five additional officers in the regular corps of the Public Health Service.

We would recommend the enactment by the Congress of this legislation, modified as suggested above.

The Bureau of the Budget advises that it perceives no objection to the submission of this report to your committee.

Sincerely yours,

OVETA CULP HOBBY, *Secretary*.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, April 27, 1955.

HON. DENNIS CHAVEZ,
Chairman, Committee on Public Works,
United States Senate.

DEAR MR. CHAIRMAN: I refer to your request to the Secretary of Defense for the views of the Department of Defense with respect to S. 928, 84th Congress, a bill "To amend the Water Pollution Control Act in order to provide for the control of air pollution." The Secretary of Defense has delegated to this Department the responsibility for expressing the views of the Department of Defense.

This bill would establish the policy of Congress toward the control of air pollution. Provision is made for the use of Federal technical services and the giving of financial aid to State and local government air pollution agencies in the formulation and execution of their air pollution abatement programs. The bill vests authority and responsibility in the Secretary of Health, Education, and Welfare and Surgeon General of the Public Health Service, respectively, for implementation of Federal support.

The Department of Defense recognizes the danger to public health and welfare from air pollution and will support air pollution abatement programs to the fullest extent commensurate with military security. To this end, the Department will cooperate in providing unclassified results of research which may be applicable and of benefit in the general control of air pollution. Inasmuch as the declaration of the responsibilities and rights of the States and local governments in controlling air pollution might carry the implication that the States and local governments can thereby control or deny the conduct of military research, development, tests, and operations, it is believed that the legislative history of this bill should clearly show that nothing therein is intended to control or prevent activities which the military services consider necessary for the national defense. Subject to the foregoing, the Department of Defense interposes no objection to the enactment of S. 928.

The Department of Defense is unable to estimate the fiscal effects of this bill.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

(S) HAROLD E. TALBOTT.

NATIONAL SCIENCE FOUNDATION,
Washington, D. C., April 27, 1955.

HON. DENNIS CHAVEZ,
Chairman, Committee on Public Works,
Senate Office Building.

DEAR SENATOR CHAVEZ: This is in reply to your letter of February 5, 1955, requesting the comments of the National Science Foundation with regard to S. 928, a bill "To amend the Water Pollution Control Act in order to provide for the control of air pollution." As indicated in our letter of February 17, we have studied the questions raised by the bill and we are in accord with the general objectives of the proposed legislation.

We should like, however, to comment on section 202 of the bill which states, among other things, that it is the policy of Congress to preserve and protect the primary responsibilities and rights of the States and local governments in controlling air pollution. The Foundation believes this policy is sound. However, it should be noted that the problems of radioactive air pollution resulting from operations directly controlled by the Federal Government and of interstate and international air pollution lie peculiarly within the province of the Federal Government. We therefore feel that the Federal Government should undertake direct responsibility for the control and prevention of such hazards. In this connection the Foundation believes that if an Air Pollution Control Advisory Board is established as presently provided for in Section 206 of the bill, the Atomic Energy Commission should be represented thereon because of their direct concern with problems of air pollution caused by the discharge of radioactive substances into the atmosphere.

The Bureau of the Budget has advised that there is no objection to submission of this report.

Thank you for giving us the opportunity to comment on the proposed legislation.

Sincerely yours,

ALAN T. WATERMAN, *Director*.

EXECUTIVE OFFICE OF THE PRESIDENT,

BUREAU OF THE BUDGET,

Washington 25, D. C., April 21, 1955.

Hon. DENNIS CHAVEZ,

Chairman, Committee on Public Works,

United States Senate, Washington 25, D. C.

MY DEAR MR. CHAIRMAN: This is in response to your letter of February 5, 1955, requesting the views of the Bureau of the Budget on S. 928, a bill "To amend the Water Pollution Control Act in order to provide for the control of air pollution."

This bill would amend the Water Pollution Control Act by adding a new title on air pollution. The bill defines the Federal policy of supporting the primary responsibilities of the State and local governments in controlling air pollution. To this end the proposed legislation authorizes the Secretary of Health, Education, and Welfare and the Surgeon General to support and aid technical research on methods of air pollution abatement and to provide technical assistance and financial aid to States, local governments, and industries in the formulation and execution of abatement programs. The bill would further direct the Surgeon General to prepare or adopt comprehensive air pollution control programs. In addition, the Surgeon General is authorized to encourage cooperative activities with State and local governments, to encourage the enactment of uniform State laws, collect and disseminate information, and render other appropriate assistance. The bill also authorizes the support of research, training, and demonstration projects by non-Federal agencies through grants and contracts. Appropriations for the foregoing activities are authorized for a 5-year period commencing July 1, 1955.

It is recognized that the primary responsibility for the conduct of air pollution abatement programs rests with the States and local governments. The role of the Federal Government has been and should be concerned primarily with the research effort seeking necessary scientific data and more effective methods of control. In support of this role, the President, in his Budget, recommended increased funds for the Public Health Service for research into the health aspects of the air pollution problem. To the extent that the subject bill would strengthen this policy by providing broader research authority and by providing for increased cooperation between the Federal Government and State and local authorities the Bureau of the Budget believes its enactment would aid in solving problems of air pollution.

The purpose of the bill as set forth in section 202 infers the need for providing financial aid to States, local governments, and industries in the formulation and execution of air pollution abatement programs. It is our understanding that the presently foreseen need in the area of air pollution is to make available only technical assistance in the formulation of programs and therefore, it is recommended that this section be modified accordingly. Consistent with this approach it is also recommended that section 207 (a) (1) which appears to authorize general grants-in-aid for operation be deleted and that section 207 (a) (2) be broadened to authorize grants for research.

It is noted that the report of the Secretary of Health, Education, and Welfare on this bill recommends deletion of section 206 which provides for the establishment of an Air Pollution Control Advisory Board. We concur in this recommendation. While there is a need for overall coordination of efforts it is believed that this may best be accomplished administratively with sufficient flexibility to meet changing situations.

Section 203 makes mandatory the requirement that the Surgeon General prepare or adopt comprehensive programs for eliminating air pollution. We agree with the comments of the Secretary of Health, Education, and Welfare that this provision be made permissive. Further, it is believed that in keeping with the Federal function the Surgeon General should be authorized only to recommend programs for pollution abatement.

For technical reasons deletion of section 208 (a) providing for appointment of certain commissioned officers, which authority already exists, and section

208 (b) providing for utilization of employees of other agencies, a provision more broadly covered under the Economy Act, is also recommended.

The authority contained in section 207 (c) for the erection of buildings to carry out the purposes of the proposed legislation should, as proposed in the Secretary's report, be revised to permit the acquisition of required facilities by such means as may be practicable. It is noted that both subsections 207 (a) and (c) authorize appropriations which would remain available until expended. This Bureau believes that appropriations for the activities proposed in this measure should be treated in the same manner as those of similar activities for which annual appropriations are authorized. Should the need for construction funds arise, appropriation language could provide for extended availability.

In general the Bureau of the Budget is in agreement with the objectives of this bill and, subject to the modifications noted above, there would be no objection to enactment of S. 928.

Sincerely yours,

DONALD R. BELCHER,
Assistant Director.

The next witness will be Dr. J. Lafe Ludwig, of Los Angeles, Calif., on behalf of the American Medical Association on S. 928.

Dr. Ludwig.

Senator CASE. Mr. Chairman, I just want to make one suggestion. I had in mind suggesting to the Senator from California that he consider adding the Atomic Energy Commission to the agencies entitled to membership on the Air Pollution Control Advisory Board in section 206.

I mention it now merely because I would like to have Dr. Ludwig in his testimony comment upon that as a possible addition.

Dr. LUDWIG. Yes, Senator, I have a comment regarding some addition to the Advisory Board. I had not made any comment regarding the Atomic Energy Committee, however, but I think they could well be covered in the recommendation.

STATEMENT OF DR. J. LAFE LUDWIG, OF LOS ANGELES, CALIF., ON BEHALF OF THE AMERICAN MEDICAL ASSOCIATION ON S. 928

Dr. LUDWIG. Mr. Chairman and members of the committee, I am Dr. J. Lafe Ludwig, of Los Angeles, Calif., where I am engaged in the private practice of medicine. I am a member of the committee on legislation of the American Medical Association and appear before this committee as a representative of that association in support of S. 928, a bill to amend the Water Pollution Control Act to provide for the control of air pollution.

Before commenting on the bill, I should like to discuss the subject of air pollution briefly, which has been defined by our council on industrial health as an excessive atmospheric concentration of foreign matter that may adversely affect the well-being of any person or cause damage to property. Air pollutants are of two types: Those which affect health and those which are not presently known to have such an effect. There are concentrations of air pollutants which, while they may not be health hazards, are nevertheless annoying and disagreeable. Although a health hazard need not be demonstrated it established the need for control of air pollution.

I should like to direct my remarks to air pollution in its relation to health. Until recently, aside from a few specific but dramatic instances, there has been a lack of scientific evidence that air pollution seriously injures health. Six acute episodes of air pollution having a dramatic effect on health have been recorded. Two of these occurred

in the Meuse Valley in Belgium in 1915 and 1930, respectively. You gentlemen will remember the dramatic occurrences in Donora, Pa., in 1945 and 1948. There was another incident in Poza Rica, Mexico, in 1950, and more recently the great London fog of December 1952. Although sufficient data are available to make a partial critical study of four of these episodes, the agents responsible for the morbidity and mortality have been positively identified in only 1 of the 4—the Poza Rica incident. There the pollutant was hydrogen sulphide an asphyxiating gas from a sulphur recovery plant. In none of the other incidents could a single pollutant be blamed as the critical toxic agent.

Although a number of independent scientific investigations of air pollution are currently being conducted, it may be well to point out special limitations which make this type of investigation unusually difficult. An experimental study of the effect of air pollutants on health can be undertaken only subsequent to the creation of synthetically polluted atmosphere in exposure chambers as a readily available and easily controllable laboratory tool. The many and varied pollutants might be studied singly and in combination so as to reproduce any antagonistic effect that may exist. A study of pollutant substances at their source is fully inadequate, in view of the pronounced photochemical activity in the atmosphere. The products of this activity may well be the significant ones insofar as morbid effects are concerned.

Notwithstanding the difficulties of scientific investigation of the effect of air pollutants singly and in combination on the human body, many worthwhile research projects are being conducted. In California alone, research is currently being carried on by the Stanford Research Institute, the University of California at Los Angeles, the University of Southern California, the California Institute of Technology, and the city and county of Los Angeles.

In addition, a foundation for the study of air pollution, financed by Los Angeles industry, appears to be preparing valuable data on the subject. The smog committee of the Los Angeles County Medical Association has been very active for 3 years in correlating information concerning incidents of illness apparently induced or aggravated by smog with data relating to the concentration of atmospheric pollutants. From these investigations much information is being obtained which suggests the relationship of air pollution to health.

Dr. Paul Kotin and Dr. Hans L. Falk of Los Angeles, from the department of pathology and biochemistry of the school of medicine of the University of Southern California, presented a preliminary report on their work in this field at the last annual session of the California Medical Association. Their investigation is being supported by grants from the National Institutes of Health of the Public Health Service. I should like to quote a portion of their report dealing with the relationship of air pollution to health:

The host response to air pollution may arbitrarily be divided into three clinical types: The acute, subacute and chronic. During periods of abnormally high pollutant concentration, immediate clinical effects may be noted, ranging from eye and upper respiratory tract irritation through respiratory embarrassment and dyspnea and chest pain to extreme morbidity with ultimate death. This entire spectrum of symptomatology is usually manifest in most of the exposed population group, with the severity of symptoms tending to increase in proportion to the prior cardiorespiratory disability of the exposed persons. The

mass effects are transitory and disappear with a decrease in pollutant concentration to tolerated levels. It is of significance that in the Donora and London episodes the most severe illnesses and the greatest number of fatalities occurred in the older age groups and primarily among persons with heart disease, bronchitis * * * "and pathological lung conditions" * * *. The milder symptoms, usually confined to exposed mucous membrane surfaces of the eyes and upper and lower respiratory tract, are as a rule limited to the healthy young and adult population groups. Retrospective studies following disaster periods indicate that a great many pollutant substances, active in an as yet undetermined cooperative manner, unite to produce the morbid effects described. Studies now going on indicate that specific pollutant host effects are transitory, especially in persons free of preexisting disease.

Subacute effects may be arbitrarily divided on the basis of the individual host under study. In the disease-free members of the exposed population, the subacute effects are characterized by sensory and cardiorespiratory symptoms that are more inconvenient than they are disabling. Lacrimation, rhinorrhea, cough, and occasional headache are all on the minimal clinical level and disappear with the disappearance of the abnormal pollutant concentration. The second type of response is that seen in exposed persons with antecedent cardiorespiratory disease. It would be extremely hazardous not to ascribe some progressive deleterious effect on an already impaired cardiorespiratory system by pollutants present most of the time. Even greater potential danger may threaten persons with marginally or critically decompensated cardiorespiratory systems, for they are conceivably capable of responding to very low concentrations. It is surely this group which is the primary source of deaths during extremely high concentration periods.

Cases of chronic or extremely delayed effect are even more of an arbitrary group than the former two. In effect, all people, without exception, may be responding on this level to the ever-present albeit ever-changing concentrations of atmospheric pollutants. In urban centers the exposure is for the entire life span, and it is this latter observation that must be considered in an assessment of the role of air pollution as one possible etiologic agent responsible for the increasing frequency of lung cancer. Certain epidemiologic observations direct suspicion toward such a relationship; first, the successful demonstration of known cancer-producing substances in the atmosphere and vehicular sources of pollution; second, the experimental production of skin cancer in mice with air-extracted pollutants; third, the reported greater incidence of pulmonary cancer in urban than in rural residents; fourth, the different rates of acceleration of incidence in various localities; fifth, the variations in incidence in the two sexes from country to country; and sixth, and perhaps most significant, is the presence of substances which, although in themselves of questionable carcinogenicity, are considered as providing a mechanism for the biological activity of the known and suspected carcinogens in the atmosphere.

So, Mr. Chairman, it is apparent that further research on the subject of air pollution and its relation to health is highly desirable. We believe that S. 928 represents a proper approach to the problem. Modeled after the Water Pollution Control Act, the philosophy of this bill recognizes the primary responsibility of State and local government in controlling their pollution. Within the framework of a coordinated national program established under the direction of the Surgeon General of the Public Health Service there is sufficient flexibility to stimulate the initiative of local agencies and to permit States and communities to deal with the phases of the air-pollution problem most important to them.

Although the interest of the Federal Government in the subject of air pollution is not as apparent as is its interest in water pollution, we feel that sufficient Federal responsibility can be demonstrated to justify the expenditure of limited Federal funds in support of research activities in the field. Similar provisions in the Water Pollution Control Act have been satisfactorily administered and appear to have been effective in that field.

The American Medical Association, however, has one specific recommendation to make with regard to S. 928. Section 206 of the bill establishing an Air Pollution Control Advisory Board makes no provision for medical representation on the Board. We believe that the services of physicians especially skilled in the relation of air pollution to human health would be a valuable asset to the Board.

We recommend, therefore, that the bill be amended to include three such physicians (an internist-cardiologist, an ophthalmologist-laryngologist, and a medically trained public health officer) on the Board. We believe that each would have much to contribute to the proper evaluation of health problems associated with air pollution.

Thank you for the opportunity to appear before your committee this morning to present the views of the American Medical Association. Dr. McVay and I will be glad to attempt to answer any questions which members of the committee may have.

Senator CASE. I believe, Mr. Chairman, I note that the recommendations for representation on the Board go more particularly to the professional side of medicine.

The Board as it is suggested by the gentleman has presented has to do largely with representatives of governmental agencies. It was in that connection that I thought possibly the Atomic Energy Commission should be represented.

Dr. LUDWIG. I would subscribe to your recommendation, Senator.

Senator CASE. It seems to me that might work for the general benefit of the people, because they would have an awareness of these other problems.

Dr. LUDWIG. That is right.

Senator KUCHEL. I appreciate very much, Doctor, your statement. I think it is an excellent one and indicates the need for Federal research legislation.

Senator KUCHEL. As acting chairman, I would like to make a statement. I do not want to inconvenience any witness, but from what has happened this morning and what happened last week we are never going to get through with the list of witnesses tomorrow, and it is impossible for me to be here Wednesday, even if the chairman would call such a committee meeting, and I would prefer to go on for another 45 minutes or an hour and have some of the witnesses who are available today in the room here.

If there is no objection, I would like to continue for a while. It is going to be difficult to have committees, and I think both of these pieces of legislation ought to be heard. The sooner we have a record on it the faster we will get action by the committee.

STATEMENT OF HON. THOMAS H. KUCHEL, A UNITED STATES SENATOR FROM THE STATE OF CALIFORNIA

Senator KUCHEL. At this time I should like to express my views on this legislation for the record. The bill, S. 928, which is before you, which I have introduced, together with several colleagues, is prompted by the fact that clean air is a precious natural resource, and the menace of air pollution is fast becoming dangerous to public health, safety, and well-being in many areas and in widely separated sections of the country.

Until recent years, air pollution, whether called "smog" or "smaze" or some other name, was regarded as a local phenomenon and generally only a nuisance or an inconvenience.

With the concentration of people in metropolitan centers and the growth of industrial areas, contamination of the atmosphere has taken on the proportions of a national problem. Indeed, the seriousness and complex nature of the threat is recognized internationally.

The existence of mankind and of every growing thing is dependent upon three indispensable elements. These are light, water, and air. Several generations ago, people were forced to realize that sewage and wastes poured into streams and harbors were jeopardizing the health of humans, reducing the fish population, and inflicting tremendous economic losses on wide areas and groups of people. This bill is a logical supplement to S. 890, which deals with water pollution problem, and to a degree, at least, will make possible a concerted attack on the danger that lies in contaminated air. Incidentally, occurrences of "smog" such as harassed Los Angeles last October have the added effect of reducing the sunlight so essential to human, animal, and plantlife.

Efforts to control emission of smoke, chemical fumes, ash, and other pollutants of the atmosphere have been initiated in scores of communities during recent years. These are imperative but cannot achieve a great deal of success without reliable and broad knowledge of the nature, sources, and effects of air pollution.

The Federal Government is in a unique position to supply invaluable assistance to all of the various groups—public and private—tackling different aspects of the problem. It has a responsibility to extend such aid because the factors involved cannot be localized or easily assigned to agencies in specific jurisdictions.

The bill would authorize the Federal Government, through the Department of Health, Education, and Welfare, to coordinate and supervise the research, investigation, and experimentation which must be carried on if we are to find a solution. Because of its present limited activity in the field, the United States Public Health Service, which is a unit of the Department, is designated as the actual directing agency for these activities. Although responsibility would be centralized in the Department of Health, Education, and Welfare, it is contemplated the manpower, facilities, and know-how of many Federal agencies would be utilized. Among these are the Bureau of Mines, which is in the Interior Department; the Weather Bureau and the Bureau of Standards, which are in the Commerce Department; and the Agricultural Research Service. There may be others which could contribute, and if so their resources could be enlisted by the Department of Health, Education, and Welfare.

The importance of Federal participation in the fight against air pollution has been widely acknowledged in the past year or so. President Eisenhower, in his national health message last January 31, pointed out "the atmosphere over some population centers may be approaching the limit of its ability to absorb air pollutants with safety to health."

Because various organizations and governmental bodies in my State are in the forefront of the campaign to discover causes of and remedies for the conditions of smog, I have developed a deep interest

in this subject. By reason of the growing seriousness of a now nationwide problem, I took the step last August of soliciting aid from the President. I wrote the President urging him to set up an inter-departmental committee to canvass the situation and consider the advisability of a concerted program to assist State and local authorities, scientific institutes and organizations, industrial and business groups which had recognized already the seriousness of the air pollution menace. Senator Capehart joined me in this request.

I will ask that there be placed in the record at the conclusion of these comments the text of the letter which Senator Capehart and I wrote to the President and the reply received from the White House.

As you know, President Eisenhower immediately agreed that this condition warranted Federal attention. He created what is now known as the Ad Hoc Interdepartmental Committee on Community Air Pollution.

I have concluded as a result of several personal experiences that legislation such as this bill before you is imperative. During recent months, following conferences with scientists, public officials, and others, I have relayed to different agencies suggestions that they might be able to assist in testing theories and supplying data which might contribute to a solution of the problem. Without identifying them, I can say I was somewhat disheartened by the response. Invariably, these agencies advised me they had no authority or were without funds or could not ask for appropriations because such activities were not among their statutory functions and duties.

I say this was disheartening and would like to indicate why. The biggest accumulation of facts and statistics on winds, precipitation, and the movement of air is in the United States Weather Bureau. The most extensive studies conducted in this country into plant and animal diseases are and have been carried on by the Agriculture Department. Investigation of combustion is a continuing activity of the Bureau of Mines, while much work on measuring devices and methods has been performed by the Bureau of Standards. A number of lines of research and experimentation could be followed most economically and effectively by such agencies. It would be costly and time consuming for others to cover the ground they already have traversed and to duplicate their laboratories and equipment.

The fields which might profitably be studied have been reviewed by the President's Ad Hoc Committee. Nevertheless, I should like to suggest some aspects of the problem the Federal Government could investigate and the reasons why.

The relationship between "smog" and respiratory disease requires the collection of data from a host of observation areas and the analysis of different conditions.

The connection between internal combustion engines of all types, not merely motor vehicles, and "smog" may show the way to more efficient design, more economical use of fuels, lengthening the life of our petroleum reserves that are so vital to national defense, and greater highway safety.

The effect of impure air on crops and livestock could be great on our food supplies. Only recently, I was informed that a certain type of fungus on spinach seems to be encouraged by polluted air. That may be cheering news to children, but widespread damage of this sort to

leafy vegetables could be serious from the viewpoint of nutrition as well as costly to our agriculture. There is reason to suspect a connection between the size of citrus fruits and the purity of the atmosphere and likewise between the death of alfalfa and other grasses and the refusal of livestock to eat such feed.

The influence of "smog" on living conditions is important in several ways. If communities are blanketed by impure air, industry will have difficulty attracting and holding the labor forces needed for its operations. Deterioration of physical properties already has been observed in the way of chemical injury to paints and finishes of homes, automobiles, and miscellaneous buildings. Obnoxious fumes can accelerate the spread of blight that ultimately results in slums, which the Federal Government is striving energetically to wipe out.

I know that you and all members of the committee have seen photographs of "smog" conditions in Los Angeles, New York, and elsewhere. I have brought a few of the more impressive with me, which I will bring to the committee meeting tomorrow, not for the purpose of proving that the southern California metropolitan area is plagued by air pollution, but to indicate the reason why scientists and engineers with increasing frequency have been warning that similar conditions are developing in other communities all over the Nation.

In this regard, I might note that "smog" is one thing about which there is no intercity rivalry between Los Angeles and San Francisco. Instead, I want to point out that public officials in San Francisco and the bay area are mobilizing their forces and anxiously seeking help in mapping preventive courses of action as a result of warnings such as that given a couple of months ago by Dr. Lauren B. Hitchcock, president and managing director of the Air Pollution Foundation of Los Angeles, who stated at a statewide "smog" conference that San Francisco and its environs are only about 5 years behind Los Angeles in what he called the rising level of intolerability of air pollution.

The reason why Congress should not fail to act in this situation can be illustrated by a news story which was printed in Los Angeles only last week. This account of a national air pollution symposium sponsored by Stanford Research Institute quoted a respected scientist as saying that "smog" already is a serious problem not only in other cities in the United States than Los Angeles, but even in England, the European Continent, Africa, and South America.

I would like to read a quotation from the President's state of the Union message and one from the President's health message:

To reduce the gaps in medical services, I shall propose * * *. Strengthened programs to combat the increasingly serious pollution of our rivers and streams, and the growing problems of air pollution.

The quote from the President's health message is as follows:

Step up research on air pollution. As a result of industrial growth and urban development, the atmosphere over some population centers may be approaching the limit of its ability to absorb air pollutants with safety to health. I am recommending an increased appropriation to the Public Health Service for studies seeking a necessary scientific data and more effective methods of control.

Provide greater assistance to the States for water pollution control programs. As our population grows and demands for water increase, and as the use of chemicals expands, our water supply problems become more acute. Intensified research in water pollution problems is needed as well as continuing authority for the Public Health Service to deal with these matters. The present Water Pollution Control Act expires on June 30, 1956. This termination date should be removed and the act should be strengthened.

The letter to the President is as follows :

MY DEAR MR. PRESIDENT : Among the many problems perplexing public officials and civic leaders of an increasing number of American communities is the pollution of the atmosphere. This is conspicuously troublesome in some of our fastest growing and largest metropolitan areas.

During recent years, public and private bodies in several sections of the United States have grown apprehensive about the eventual effect of continued "smog" on the health and happiness of the people and the future growth of established communities. In some situations, programs have been launched to identify the causes of air contamination, control the emission of fumes and gases, and literally clean up the air in which millions of Americans live.

The problem is complicated, largely because of the influence of meteorological and terrain factors, division of jurisdiction, and paucity of reliable information upon which effective remedial efforts can be founded.

Because this growing menace has so many and far-reaching consequences on living conditions, growing crops, public safety, and property values, a variety of proposals has been advanced for Federal assistance in grappling with the problem and formulating practicable plans for a solution. To date the Congress has failed to enact any legislation which might further efforts to reduce or prevent smog and the programs which have been initiated in certain forward-looking communities generally are uncoordinated and still largely experimental.

Believing that the Federal Government has a definite responsibility and unique resources, we introduced for consideration in the Housing Act of 1954 a proposal to provide three types of assistance and encouragement for public agencies, private groups, individuals, and industries in fighting air contamination. Our amendment called for tax relief in the form of accelerated depreciation of expenditures to install equipment, direct and guaranteed Federal loans for the same purpose, and integrated research and experimentation by Federal agencies.

We considered such legislation was pertinent to achieving the goal you set forth in your housing message of last January declaring the Federal Government has a duty to help create wholesome neighborhoods and prevent the deterioration of homes. Obviously, the spread of air pollution would make affected areas less attractive in which to live, besides undermine property values and probably lead to development of slums which we all are endeavoring to wipe out.

For various reasons, these proposals failed to win approval of the Congress this year.

Reports that the "smog" problem is becoming more intensive in many communities and developing in others prompt us to urge your consideration for steps by the Federal Government to provide practical and urgently needed assistance in eliminating the dangers and discomforts of air pollution. Certainly the mounting proportions of this threat to health, safety, comfort, and our general economy warrant concerted action just as do problems of water pollution, traffic congestion, and juvenile delinquency.

We believe it might be constructive to have an interdepartmental committee set up comprising representatives of various Federal agencies responsible for framing and carrying out policies regarding health, housing, industrial, and agricultural matters, transportation, the national economy, and scientific research, which could make a canvass of the resources of the Government which might be employed in furtherance of efforts to control "smog."

We further feel that, while the Congress is in recess, it might be profitable to hold conferences with responsible and sympathetic representatives of the Federal Government: of State, county, and municipal bodies; of institutions devoted to research and civic problems; and of community and industrial groups to weigh the need for and possible type of legislation by Congress and to pool the facilities and resources each may have available for use in finding a solution to the problem.

Because we hope that at the next session of Congress some constructive steps may be taken, we respectfully submit this letter to you with the objective of mapping out a beneficial plan of action.

The letter from The White House is as follows :

This is in further reference to the letter you and Senator Capehart sent to the President on August 5th concerning the complex and growing problem of community air pollution.

Your suggestion for the establishment of an interagency committee has been discussed with the Secretary of Health, Education, and Welfare, and the Secretary agrees that the proposal is an excellent one. Such a group could define the nature and magnitude of the problem, evaluate the steps which need to be taken to abate air pollution, and canvass the resources of Government which might be employed to assist in such abatement.

The Secretary of the Department of Health, Education, and Welfare, is presently seeking to ascertain what other Federal agencies should be represented, and is taking steps leading to the establishment of this group.

Mr. KUCHEL. I have a statement by Senator Knowland, the senior Senator from California, which I am happy to insert in the record at this point.

STATEMENT BY SENATOR WILLIAM F. KNOWLAND TO SENATE PUBLIC WORKS SUBCOMMITTEE ON S. 928 "TO AMEND THE WATER POLLUTION CONTROL ACT IN ORDER TO PROVIDE FOR THE CONTROL OF AIR POLLUTION"

Mr. Chairman, I appreciate the courtesies of this subcommittee in providing time on its busy schedule for consideration of S. 928, legislation cosponsored by Senators Kuchel, Martin, Duff, and myself.

In the second session of the 80th Congress the enactment of the Water Pollution Control Act, Public Law 845, was indicative of the Federal Government's recognition of the danger that water pollution presented to the general welfare of its citizens. The program authorized by that legislation presented the country a plan of cooperation between Federal, State, and local agencies to bring under control the increasing menace to the public health and welfare by the cooperative abatement of stream pollution. It is my information that the administration of this program has met with a high degree of success and received the complete cooperation of officials on State, county, and municipal levels. Water pollution, of course, is a continuing problem but the encouraging fact is that control of this menace is underway and in this process the traditional, constitutional, Federal-State responsibilities and spheres of authority have been strictly adhered to.

In recent years the general health and welfare of our citizens has been threatened by another menace which, due to its nature, has proven less susceptible to control measures. Air pollution is on the increase in many of the Nation's centers and large metropolitan areas are helpless in determining a sound approach looking toward abatement of what has become more than a public nuisance. At this point, Mr. Chairman, I would like to insert for the record, an article which appeared on January 21, 1955 in the Los Angeles Times headed "Air Pollution Can Kill, Medic Group Claims." The problem of recommending measures to control air pollution has been hampered in some degree by the various and sometime conflicting research studies and reports that have been made on the causes and contributors to air pollution. At the present stage of developing research into this subject, we might still ask, without assurance of a reasonably correct answer, "What is smog?" The legislation which is before the subcommittee today is primarily directed toward providing an answer to this question and the various provisions of the legislation authorize a cooperative program of research, information and financial assistance. I want to emphasize that nothing in the proposed legislation authorizes Federal control of air pollution, nor enforcement measures on the Federal level. The distinguishing feature of the legislation is one of Federal-State cooperation and it recognizes the primary responsibility of the State and local officials in air pollution abatement.

In my own State of California, the third largest metropolitan area in the country, Los Angeles County, has been immersed with smog for months at a time with a special intensity of air pollution existing between August and November each year. Reduced visibility, eye irritation, and physical discomfort have become the lot of more than 5 million Americans in this area and similar problems are on the increase in other metropolitan districts within the State. Other cities throughout the Nation have similar problems. Some of the officials from these areas have written to me expressing interest in the proposed legislation and it might be helpful for this committee to have, for reference purposes, some of the reports and studies which have already been made on air pollution. In this connection, I request that reports by the California State Department of Public Health, the Air Pollution Control League of Greater Cincinnati, and the series of articles on air pollution which appeared in the Los Angeles Herald Express be incorporated in the record for reference purposes. In addition, the

American Medical Association, through its board of trustees, has indicated active approval of S. 928 and the American Municipal Association has also expressed its support.

Mr. Chairman, the President in his health message to the Congress on January 31, 1955, urged the Congress to step up research of air pollution. At that time he stated "As a result of industrial growth and urban development, the atmosphere of some population centers may be approaching the limit of its ability to absorb air pollutants with safety to health." I earnestly request favorable action on this legislation at the earliest possible time.

Mr. HEALY. With regard to S. 928, the American Municipal Association endorses this bill in line with policy resolutions adopted as long as 5 years ago. The extent of the air pollution problem has undoubtedly been presented to this committee by others. It certainly is not confined to the boundaries of any one city or State.

It is interstate in character and needs Federal participation in its solution. A great deal of technical research needs to be conducted, and this bill would provide that the United States Public Health Service become a necessary coordinating agency for such research and work related to the control of air pollution.

The problem of air pollution has received the most dramatic publicity in California, recently, although it is by no means confined to areas in that State. However, I am authorized to inform you that the views I am presenting here in endorsing S. 928 also represent the views of the League of California Cities who join us in urging adoption of this bill.

The American Municipal Association's testimony in behalf of this measure was already presented to you by our vice president, Mayor Joseph S. Clark, Jr., of Philadelphia.

I appreciate the opportunity to be heard and to present the views of the Nation's cities on these important matters. I shall be happy to answer such questions as you might have.

Senator KERR. Thank you very much for your statement, Mr. Healy.

Mr. HEALY. Mr. Chairman, may I ask that the record be held open in order that a statement could be inserted for the record, but it is not here today; one by Dr. Leonard Greenburg, Commissioner, Department of Air Pollution Control of New York City.

Senator KERR. Indeed you may, and how long do you need for that?

Mr. HEALY. It would not be necessary if we could get these into the record within the next few days.

Senator KERR. Very well.

(The referenced letter from Dr. Greenburg is as follows:)

MAY 3, 1955.

STATEMENT BY LEONARD GREENBURG, C. E., PH. D., M. D., COMMISSIONER OF AIR POLLUTION CONTROL, CITY OF NEW YORK, WITH REFERENCE TO SENATE BILL 928, ENTITLED "A BILL TO AMEND THE WATER POLLUTION CONTROL ACT IN ORDER TO PROVIDE FOR THE CONTROL OF AIR POLLUTION"

I have read bill S. 928 and am completely in accord with the provisions of this proposed law.

I believe that this bill, if enacted into law, will serve to encourage the development of air pollution work in local communities, counties, and other areas.

It will also strengthen the activities of the United States Public Health Service and strengthen the activity in local areas, and is so drawn that it will give local areas and industries adequate representation in this important field of activity.

It appears to be a sufficiently flexible program with reference to financing, so that Congress will have authority to regulate the amounts of money to be provided each year.

The establishment of the Air Pollution Control Advisory Board will, in my opinion, adequately serve to represent all of the interests involved in this countrywide problem.

I urge the passage of this bill.

Senator KERR. I am sorry that because of very urgent matters that require my attention, I cannot be here this afternoon; but Senator Kuchel agreed that he would hear the rest of the witnesses whose names are on this list.

If you want to put your statement in the record you may do so. Which bill does it refer to, Mr. Zahniser?

Mr. ZAHNISER. I am Howard Zahniser, executive secretary of the Wilderness Society, and editor of "The Living Wilderness." I represent the Wilderness Society, and I was asked also to represent the National Parks Association.

We wanted to commend you and the committee for your interest in this important public problem of clean streets and to point out the broad public interest that is served thereby, and particularly, I wanted to show how it is related even to the problem of preserving parks and wilderness areas, and in view of the shortness of time and my commitment this afternoon, I would like the privilege of submitting a statement for the record.

Senator KERR. You may do so.

(The statement referred to follows:)

A STATEMENT BY HOWARD ZAHNISER, EXECUTIVE SECRETARY AND EDITOR OF THE WILDERNESS SOCIETY, 2144 P STREET NW, WASHINGTON 7, D. C., SUBMITTED TO THE SENATE SUBCOMMITTEE ON FLOOD CONTROL, RIVERS AND HARBORS, IN SUPPORT OF LEGISLATION TO REVISE AND EXTEND THE WATER POLLUTION CONTROL ACT.

Water pollution control and wilderness

The Wilderness Society's interest in the prevention and control of water pollution flows naturally from its general interest in resource conservation and from its particular concern with the preservation and protection of the country's wilderness areas.

Polluted waters are a constant and active threat to the integrity of the system of wilderness areas that has been established by public action to preserve some of our primitive America for the educational, recreational, and spiritual benefit of the American people, as well as for the practical function of general watershed protection. Water pollution if allowed to continue destroying the recreational values of so many of the streams, lakes, and coastal waters within easy reach of our cities threatens eventually to force vast numbers of our people either to do without the outdoor recreation they crave or to travel great distances to outlying and remote wilderness areas. Either consequence would be undesirable. In the first instance, people would be deprived of a simple, healthful pleasure that should be available to all Americans; in the second instance, the pressure upon the few wilderness areas might become so great as to threaten their continued preservation as undeveloped wilderness.

No American should be deprived of the outdoor recreational opportunity he needs for his well-being. And certainly wilderness resources must be preserved not only now but also through the long future. There is no question but that the American people want these areas preserved, for their cultural as well as their practical values. Water pollution then must be eliminated so that the waters near concentrations of population may be made and kept safe for recreational use by the great numbers of Americans who enjoy simple, inexpensive, within-reach outdoor recreation.

Wilderness areas are and properly should be open to all who enjoy the kind of recreational and spiritual refreshment which they offer. It is true that at any given time not all do seek out the wilderness, just as it is true that not all people enjoy one type of painting or one type of music, or one type of food. We do wish to continue to provide Americans their choice of outdoor recreation in the wilderness if they wish it. Just as we supply dif-

ferent types of painting in our museums, different types of music in our concert halls, and different types of food in our restaurants, so we are constrained to supply for the many who enjoy them the opportunities for the type of out-of-doors recreation afforded by natural areas close to their homes. Cleaning up our polluted waters will provide these opportunities in lakes, streams, and coastal waters neighboring our cities and towns.

Since 1946, when the Wilderness Society made a statement at the hearings on the antipollution bill that is now law, a new element has entered the American scene which makes it even more imperative that we move quickly to clean up our polluted waters. That element is the great increase in population that has occurred since the war and which has strained all public facilities to the limit, and beyond. While in most cases it is possible to overcome the strain by adding new buildings, in the case of recreational facilities, new buildings mean an intensification of the problem, since building destroys a natural recreation area. Thus, many recreation sites formerly available have been engulfed by our spreading cities and our increasing network of roads. Our great national parks, monuments, and wilderness areas are consequently being taxed to capacity by the millions of people who pour into them—many of them for want of recreational areas nearer home. And the pressure for "development" of such areas in ways that would destroy them as prized examples of primitive America, grows more acute as recreational needs remain unsatisfied.

A way out of this dilemma is to restore to use the myriad natural recreational facilities that are represented by our now polluted streams, lakes, and coastal waters. The bill under consideration, we feel, takes us farther in the direction we are now pointed: the control and elimination of water pollution.

Thus these concerns with water pollution abatement and control from the particular viewpoint of wilderness preservation emphasize in one very particular way the contribution to the broad public interest that can result from the legislation which this committee is considering. As others have already pointed out, but as we should like also to emphasize, the necessity for prevention and control of water pollution has become self-evident. The health of our land and our people are intimately related to the quality of our water. So are the quality of the fish and other wildlife upon which we depend for food, recreation, sport, and the maintenance of a sound natural balance among the various species. I think it may be said with truth that there is today widespread agreement that the pollution of our waters is a social and economic menace to the country.

The Wilderness Society has long been actively interested in cooperation for the solution of the water pollution problem and, along with other public interest organizations, worked toward the enactment of the Water Pollution Control Act already on the statute books. We now welcome the opportunity to encourage legislation that would make more effective the antipollution measures established in the Water Pollution Control Act. Its provisions for broader research authority to the Public Health Service which has done so much yeoman work in the effort to clean up our waters; for grants to States and interstate agencies for greater water pollution control activities; for improvement in the structure of the Water Pollution Control Advisory Board; for the establishment of standards of water quality at points where water flows across or forms State boundaries; for simplification of enforcement provisions—all these substantially improve the existing law and are important steps forward in the objective which the country seeks: the control and elimination of water pollution.

Back in 1947 the Wilderness Society joined with 5 other conservation organizations in publishing a pamphlet entitled "The Pollution Problem: A National Menace," which explained what pollution is, what it does, its overall effects, and why Federal legislation is necessary and what it should provide. Today, 8 years later and after enactment of the Pollution Control Law, we believe that the menace of pollution is well enough known so that it is unnecessary to go into the details of what and why. We believe that the people of America understand that water pollution annually causes millions of dollars worth of damage to the economy, and that a serious health hazard is created by water-borne diseases that may be spread by the use of contaminated water for domestic purposes, for cattle, irrigation of crops, bathing, boating, fishing, and a myriad of other uses.

If we are to receive the greatest benefits from the water wealth of this country, we must move further and faster to clean up our waters. We urge

the Congress to strengthen the law and increase the chances of achieving safe and sanitary waters for the country.

I am pleased also to submit the following statement prepared by Fred M. Packard, executive secretary of the National Parks Association.

Senator KUCHEL (presiding). The next witness will be Mr. S. Smith Griswold, Air Pollution Control Officer of the Air Pollution District, County of Los Angeles.

STATEMENT OF S. SMITH GRISWOLD, AIR POLLUTION CONTROL OFFICER OF THE AIR POLLUTION DISTRICT, COUNTY OF LOS ANGELES

Mr. GRISWOLD. Mr. Chairman, it is a privilege to appear before this committee.

Senator KUCHEL. I am delighted to have you here and I know your contribution will be important to the committee and to the record of the committee's hearing.

Mr. GRISWOLD. I am Air Pollution Control Officer of the Air Pollution Control District, County of Los Angeles. This district has contiguous boundaries with the county of Los Angeles and also contains Los Angeles and 45 other cities.

Each successive meeting of scientists and technical men, representatives of industry and governments develops new evidence establishing air pollution as a problem which will soon rival water pollution as an object for governmental control.

Nearly 500 such men attending the Third National Air Pollution Symposium, which has just adjourned, heard indisputable testimony regarding the unpleasant effects and possible health hazards of air pollution in an increasing number of urban areas in the United States and in several other countries throughout the world.

This pollution is not simply the result of burning soft coals with high sulfur contents such as plagued Pittsburgh, St. Louis, Donora, and London. It is the result of releasing a large number of contaminants by all kinds of human activity in a technological era. The air that is breathed by the majority of the population of this Nation is becoming saturated to a recognizable and in many instances distressing degree.

It is estimated that more than 70 different chemicals are in the air over our large cities. While many of these are acceptable to nature, even these can be out of balance by reason of reaction with other chemicals and may become, in themselves, a dangerous contaminant.

The huge basin wherein lies Los Angeles and 44 other cities has, by a peculiar combination of physiography and meteorology, an atmosphere that on about 60 days a year reaches or exceeds a saturation point recognized by human discomfort. Most technical men in the field of air pollution will agree that contamination of the air, uncontrolled, will result in more urban areas reaching this saturation point each year.

Since early in 1948 the county of Los Angeles has been studying this complex air-pollution problem. Every year the problem becomes more acute in the Los Angeles Basin and recognizable in additional areas. Most cities having solved their problem of visible pollution caused by coal smoke have indicated an increasing interest in the problem of invisible pollution. Some, such as Cleveland, are doing laboratory

work. Many cities and several States are developing new or more stringent air-pollution-control laws with allied technical organizations. Many universities, foundations, and technical institutes are developing projects in this field. Still there is no acceptable definition of, nor solution for, the smog problem. Contaminants, their sources, and respective contribution have not been evaluated by experts in relation to an exact identification of pollution or its effect on public health.

The Air Pollution Control District of the County of Los Angeles has spent more than \$21½ million in public funds. At least half of this has gone to basic research in the technical field of air pollution. It has been necessary to develop instruments heretofore unknown, capable of accurately measuring one part of a contaminant in a million parts of air. Some of these instruments have automatic recording devices to provide more accurate and less expensive data. Methods and procedures have been developed to test for air contamination at its source. Devices and procedures for control operations have been developed and evaluated. None of this work should be repeated by a city or a State establishing its own air-pollution-control agency.

There is a great need for correlated action on this vital problem. A clearing house of information and guidance is mandatory to avoid expensive duplication of research effort and loss of invaluable time in developing and maintaining progress in the control of air pollution. The Federal Government can do this.

Air pollution has no jurisdictional boundaries. The Los Angeles problem is regional within the State of California. This is not true of many major metropolitan areas now on the threshold of an aggravated problem. Some of our cities have an international problem, as in the case of Detroit. An official national organization would more effectively handle such complications.

While the County of Los Angeles has, of necessity, spearheaded technical work in the study and control of air pollution, there are vital and necessary projects which most reasonably belong to the Federal Government. These are of Nationwide value and interest:

1. The effect of air pollution on public health.
2. Gas phase analysis of air pollution and development of specific methods for the further identification of air contaminants.
3. Further development of automatic instruments for the accurate measurement and recording of air contaminants.
4. Evaluation of air pollution control procedures and equipment.
5. Research in modern fuels in relation to hydrocarbons which produce eye irritants or damage to vegetation.
6. Research in plant susceptibility to air pollution to protect agricultural crops.
7. Develop basic and advanced training facilities in the field of air pollution control.

In closing may I emphasize the seriousness of air pollution by summarizing the program of Los Angeles County Air Pollution Control District for 1955-56.

1. The county budget which will be submitted May 3 includes an appropriation of \$21½ million for air pollution control. This is more than twice that expended in 1954-55. And I believe there is one-half of the contemplated Federal appropriation.

2. The district will employ 269 persons, 68 of which will be assigned to the research division. There were 149 employed on January 1, 1955, of which 48 were assigned to research in air pollution.

3. More than \$600,000 will be spent on contract research and instrument development.

4. An automotive combustion laboratory has been developed for the purpose of testing several hundred automobile exhaust control devices. This is believed to be the only one in the world.

5. A prohibition will be placed on the use of one and one-half million single chamber incinerators by industry, business, apartment houses and residences on July 1, 1955.

An additional statement in connection with that would be to the effect that this is the controlling of nearly \$10 million worth of incineration apparatus, and contemplates the possible changing of the larger type multiple type or single chamber incinerators, such as used by industry and the multiple family dwellings by the addition of a second chamber which will be superheated to burn the pollutants before they are admitted into the air.

Senator KUCHEL. Let me ask you at that point: There are in your area innumerable Federal installations. In any of the ordinances to control or to eliminate portions of air pollution, have you run into any difficulty with any of the Federal installations relative to their voluntary acquiescence to the provisions of local law?

Mr. GRISWOLD. Mr. Chairman, their cooperation has been outstanding. The Navy installations in the Los Angeles area and Long Beach area have cooperated excellently.

We have had one of the so-called tender spots: The schools. We requested the schools to institute an air pollution control forum, or educational program. This resulted in the entire Los Angeles City school system doing away with all types of incineration. They are hauling their combustible rubbish.

There is no difficulty in connection with any governmental operation as of the present time with the possible exception of the power-plant operations, which are public serviced and owned by the city of Los Angeles.

Senator KUCHEL. So far as Federal installations are concerned, there has been cooperation?

Mr. GRISWOLD. Cooperation has been excellent. They have complied with every rule upon request.

Senator KUCHEL. Thank you.

Mr. GRISWOLD (continuing). 6. On the 10th of May the Air Pollution Control Board will take action to establish an emergency warning regulation which will establish 3 successive alerts to control the activities of industry and 5 million private citizens when air pollution, as measured by 4 contaminants, reaches certain concentrations.

7. Los Angeles County is going ahead on this problem by every possible means.

We are eliminating known sources of pollution by known and recognized methods of control to afford time to develop the additional technical data that is necessary to control those sources of pollution for which no control now exists.

Uncoordinated action by individual cities, counties, and States will not be the solution to the air-pollution problem as it exists today or will exist within the next few years. Standardized methodology and

adequate evaluation of air-pollution data between regions is most valuable. Centralized and coordinated research is absolutely mandatory.

Senate Resolution 928 can provide this vital need. As the official representative of the county of Los Angeles, I am instructed to, and take pleasure in, strongly recommending its enactment.

Senator KUCHEL. Thank you, very much, Mr. Griswold. That is a very informative statement which I am sure the committee is delighted to have.

Mr. Harry C. Ballman, executive secretary of the Air Pollution Control Association, is our next witness.

You address yourself to S. 928 I take it, do you not?

Mr. BALLMAN. Yes, sir.

Senator KERR. Give your name and identification to the reporter and then you may proceed.

STATEMENT OF HARRY C. BALLMAN, EXECUTIVE SECRETARY, AIR POLLUTION CONTROL ASSOCIATION

Mr. BALLMAN. Yes, sir. Mr. Chairman, and gentlemen, I am Harry C. Ballman, and I am executive secretary of the Air Pollution Control Association, an association whose membership includes individuals representing educational institutions, research institutes, and agencies, industrial establishments, manufacturers of air-pollution control equipment, civic organizations and citizen groups, and governmental agencies including control officials, representatives of State and county governments and members of Federal agencies such as the Bureau of Mines, Public Health Service, et cetera.

The association has been in existence since 1907, having operated successively under the names of the International Smoke Prevention Association, the Smoke Prevention Association of America, the Air Pollution and Smoke Prevention Association of America and finally the Air Pollution Control Association. I think you will see in those names the gradual growth from smoke to air-pollution control.

It is the only association, to my best knowledge, devoted to the purpose of furthering the knowledge and practice of air-pollution control operating in this country today.

This association represents the broadest cross section of "know-how" available in the present-day art of air-pollution control. It is a non-profit organization. May I further point out the broad base or scope of the membership of this association mentioned above, which includes authorities in all the fields of science having to do with air-pollution control, necessitates an objective viewpoint which is not allowed to tilt in favor of any one group or interest.

The sole objective of this presentation is to obtain workable, realistic, reasonable approaches to accomplish an established ultimate in air-pollution control.

With the above premise in mind and with the authority of the association I represent, may I present the following recommendations for amendments.

We find that the general purpose of S. 928 is good; but the expressions of the purpose should be clarified in several instances and other modifications considered.

First, we believe that the Water Pollution Control Act and the Air Pollution Control Act should be considered as two separate pieces of legislation, rather than one appended to the other, for the following reasons:

First, the present status of the Water Pollution Control Act is in doubt. Legislation presently in force is about to expire, and S. 890 which has been submitted to "extend and strengthen the Water Pollution Control Act" is presently before committees for hearings.

The Water Pollution Control Act—that is the new one—is not established; therefore, amendments thereto are difficult to consider, and certainly amendments to an expiring authority will have force for only a very limited time.

The Water Pollution Control Act has been in existence for some time and those individuals dealing in such matters and practices accept such legislation; where in the case of air-pollution control such Federal legislation is new and has not been in force heretofore.

Therefore, we should not accelerate new legislation to keep it apace of the older legislation by the act of amendment. This is not in accordance with the acceptable procedures of reasonable legislative practice. By that I mean that people just do not accept things too quickly.

Third, resistance to legislation for water pollution may cause delay in legislation for air pollution if the two parts of legislation are one and the same, and certainly the reverse is also true.

While water pollution and air pollution may have many facets in common, they are sufficiently different to warrant separate legislative considerations. As only one of many examples, may I point out the most obvious, both water and air are fluids, but in the pollution-control activity they are handled differently because they act quite differently.

Water usually flows in controlled areas or channels such as lakes, pools, streams, whereas air knows no such restrictions but flows and moves in an infinite number of directions without restraint.

This will cause sufficient differences of consideration of practice to warrant possible separate consideration in legislation.

We would like to add a fifth item to that also. That is the authority to control smoke and air pollution from Federal buildings and other Federal installations.

There is presently no authority except possible public relations which will allow direct regulations of smoke from post office buildings, Veterans' Administration buildings, Army and Navy installations, et cetera.

Authority should be given by Congress to control these through regular authorities or through an agency of the State. This could be a realistic contribution to cleaner air.

Air pollution control authorities—that is at the local level—have all expressed inability and frustration to control Federal installations.

Some agencies cooperate and others do not. In our efforts on air control, it has been found to be good policy to clean up your own backyard first. I believe this is a good policy to be followed by the Federal Government.

Senator KUCHEL. Let me interrupt you on that point here, Mr. Ballman, because if it is true that there are instances where Federal

installations themselves are contributing to air pollution, it is perfectly unthinkable to me that they should not be subject to the same local control that you and I would be if we in a private business venture were polluting the air similarly.

Why type of Federal installation do you specifically have in mind there?

Mr. BALLMAN. The average post office, sir, around the city is starting a new program, and is usually a violator. Usually Veterans' Administration hospitals—there is one in Pittsburgh I would name, for instance, and others.

Coming down here to attend this meeting, I noticed a large naval installation up in Pennsylvania, right near Chambersburg, as I remember, causing a tremendous quantity of smoke.

Senator KUCHEL. How do your laws in Pennsylvania operate with regard to the control of that type of pollution; to wit, smoke from chimneys, emanating from chimneys?

Mr. BALLMAN. I am not a legal authority, sir; but as I understand it, a municipal ordinance cannot have any authority over other levels of government, such as State or Federal Government.

Senator KUCHEL. The point was: If in your State or any other State, where there are local controls on air pollution and any Federal installation were not abiding by that, I would like to know about it, because I think some administrative action could be effected.

Beyond that, I quite agree with you that the Federal installations should be subject to local policies out in this field. I do not think there is any question about that, and I think that is a contribution you make to the consideration of air-pollution legislation.

As you know, there is nothing in the suggested bill which has to do with law enforcement, because I think you and I would agree that the enforcement problem should stay at a local level.

Mr. BALLMAN. That is correct.

Senator KUCHEL. But if the Government of the United States through its installations is participating in the pollution of air, and to that extent is not voluntarily complying with local ordinances, we first should make provision that compliance would be mandatory, and secondly, I would be most interested in any specific instance where that is true.

You take your hospital which you suggest is in Pittsburgh, I am sure you have very fine local legislation on the subject of air pollution there.

Mr. BALLMAN. Yes, that is right.

Senator KUCHEL. Do you suggest that the hospital there is not complying with the ordinance?

Mr. BALLMAN. They eventually will. That has moved to that point, but it has been quite a problem.

To cite another instance, at Columbus, Ohio, an air-pollution control officer took issue with the post office, and stepped upon the property and made certain erroneous statements.

The Attorney General ordered him off the property, and told him he would take him to court in his own right for trespassing on Government property.

These circumstances occur around the country more usually than we would believe. In that particular instance, the program was ac-

complished by writing to the Senator and Representative of that particular district and through the legislative back to the administrative.

We accomplished the purpose, but not too many people are aware of those channels, No. 1. No. 2, not all people in Government are equally interested in the problem, so that there is no direct route by which you can attack a pollution problem in a Federal installation.

For instance, at Fort Hayes, getting back to Washington, or any of your large Army installations, you have no authority to step into that installation and do very much of anything.

When you are on their property, you are out of bounds as far as local and State governments are concerned. It is a problem, and I merely mention it not to confuse the situation but to get before this group the necessity which we would consider, but which is not in the bill.

Senator KUCHEL. You suggest that the Federal Government in its installations across the country is guilty of polluting the air in a manner that is in derogation of local statutes or ordinances?

Mr. BALLMAN. I cannot say that is 100 percent true, but by and large it is true. For instance, if an incinerator is to be installed in Los Angeles in a large Army installation, the county has no authority to issue a permit or go over the plans, or inspect it after it is installed.

This is one of the very hearts of air-pollution control: to see that the equipment is proper. Everything else goes to that, goes through that sort of process, but not the Federal Government.

Senator KUCHEL. Of course, again we are faced with a problem of dual sovereignty, but it would be unthinkable to me that anyone in the Federal Government would refuse to take all reasonable measures to comply with local ordinances along the lines of air-pollution control legislation.

Mr. BALLMAN. Let me assure you that there has never been a direct refusal, but we have such things as budgets, and you meet with the Navy installations, they have no money.

You take the various airports around the country where they maintain an Army and Navy flying service for the National Guard or for the Reserve Corps. A lot of them maintain fuel-burning installations. There is one like that at Columbus. They will blot out that whole field, and there is nothing that we can do about it.

It has happened. For instance, getting back to the city of Columbus,, which I know pretty well, they had a dump where they burned it, and it just blotted out a complete airfield.

There was no one that could touch that situation.

Senator KUCHEL. I am most interested in that situation because it was a year ago or perhaps 2 years ago that the problem was raised in the southern part of my State as to air pollution from various naval and military fuel reserves, and I must say the Defense Department and the Secretary of Defense and the different branches of the military service were completely cooperative on that occasion, and the problem just disappeared.

I mean the same steps that your private oil operators took were also taken by the Defense Department.

Mr. BALLMAN. Which took considerable money, probably required appropriations, and probably had your cooperation in turn to work some of those details out.

This is one of the problems that we find. Most of your installations that are large are indirect. Some of them, for instance, in this area you have to go through various channels to get your appropriations. It is quite a way removed from your local problem.

There is something here to consider in the way of procedure to accomplish this purpose. I do not know exactly the way. I think it would be best worked out at the Federal level, possibly this joint committee that you have. I do not know how it would tie up.

Senator KUCHEL. I shall not take any more time, Mr. Chairman, except to say I think that is a very constructive suggestion to make, and I think the committee should consider it.

Mr. BALLMAN. Thank you, sir.

We, therefore, urge serious considerations for your committee to recommend separate legislation for air pollution control and not tie it as an amendment to water pollution control.

Page 2, line 14, we would recommend the deletion of the words "and to industries." Such support and aid may be extended to governmental agencies, but I believe direct help to industries would not be proper.

On page 2, lines 15-21 would be more clearly stated if the language of S. 890, page 2, lines 6-9, were used as follows:

To this end, the Surgeon General of the Public Health Service shall administer this act through the Public Health Service and under the supervision and direction of the Secretary of Health, Education, and Welfare.

In particular we would remove the word "control" in line 20, page 2 of S. 928, as it is not consistent with the understood purpose of this legislation.

Senator KUCHEL. The language may be subject to some revision. If on the other hand, the Department of Commerce were able to make any constructive efforts in the research of automobile exhaust, for example, and liaison, including the governmental agencies, and the automobile industry should be close, it may be that the use of that phrase "and to industries" is not necessary, because certainly no one in any of the agencies which are interested in the bill or the authors of the bill intends to grant financial aid to private industry.

Mr. BALLMAN. Of course, it comes under your title there, and is referred to later and it has a rather broad inference the way it is set up now, and I agree some rewording ought to be done, but certainly the attitude of helping private industries with Federal funds is not proper.

Senator KUCHEL. I agree with you.

Mr. BALLMAN. May I proceed?

Senator KERR. Yes.

Mr. BALLMAN. I think the language, the wording, from S. 890 is clear and reflects more the purposes you outlined yesterday in your statement, Senator Kuchel.

Senator KUCHEL. I would quarrel with you a little bit on your change of language, but I have no desire to belabor that point either because actually we are dealing here in this section with the broad, overall statement.

Mr. BALLMAN. But it has a later pickup, as I will state later.

Page 3, line 7 and 8, "encourage the enactment of uniform State laws relating to air pollution" is adverse to authoritative statements relating to air pollution control.

The rate of dispersion of air pollutants, which is related directly to the geography and meteorology of a given area, varies all over this country, and may or may not be the same for any two given States. This should be rewritten to include what is believed the original intent of encouraging a somewhat uniform approach to the problem of air-pollution control, but not legislation.

Consideration should be given, we think, to rewriting section 203 (b) as follows:

The Surgeon General shall encourage, cooperate with, and render assistance to other appropriate public (whether Federal, State or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and promote the coordination of, research, investigations, experiments, demonstrations, and studies relating to the causes, control, and prevention of air pollution. In carrying out the foregoing, the Surgeon General is authorized to—

(1) Collect and make available, through publications and other appropriate means, the results of and other information as to research, investigations, and demonstrations relating to the prevention and control of air pollution, including appropriate recommendations in connection therewith;

(2) Secure, from time to time and for such periods as he deems advisable, the assistance and advice of experts, scholars, and consultants is authorized by section 15 of the Administrative Expenses Act of 1946 (5 U. S. C. 55a);

(3) Establish and maintain research fellowships in the Public Health Service with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellows; and

(4) Provide training in technical matters relating to the causes, prevention, and control of air pollution to personnel of public agencies and other persons with suitable qualifications.

That last language is copied from S. 890, page 4, lines 1–19; page 5, lines 1–14 adapted to air pollution control.

Also instead of having 5 specific steps, we have reduced it to 4, and item 2 is picked up later on in another part of the act.

We have had a tendency to give this a fairly complete rewrite, I am sorry to say, because we felt the language in S. 890 was just a little bit more to the point on this purpose.

Do you want to take time for discussion on that now, sir, or shall I continue?

Senator KUCHEL. You are directing your comments to a portion of section 203 (b) and suggesting some substitute language. I think probably it is not necessary to ask you specifically questions on the language. You suggest the deletion, I assume, of that entire section and its rewriting?

Mr. BALLMAN. That is right, from 7 down to 24, replaced by this section here.

Senator KUCHEL. Let the record show, Mr. Chairman, for the benefit of the committee, the text of the present suggested section 203 (b) on page 3 from line 5 to 24.

Senator KERR. It will be inserted in the record at this place and appropriately identified.

(Sec. 203 (b) is as follows in the presently suggested bill:)

(b) The Surgeon General shall encourage cooperative activities by State and local governments for the prevention and abatement of air pollution; encourage the enactment of uniform State laws relating to air pollution; collect and disseminate information relating to air pollution and the prevention and abatement thereof; support and aid technical research by State and local government air pollution agencies, public and private agencies and institutions, and individuals to devise and perfect methods of preventing and abating air pollution; make

available to State and local government air pollution agencies, public and private agencies and institutions, industries, and individuals the results of surveys, studies, investigations, research, and experiments relating to air pollution and the prevention and abatement thereof conducted by the Surgeon General and by authorized cooperating agencies; and furnish such other assistance to State and local government air pollution agencies, public and private agencies and institutions, industries, and individuals as may be authorized by law in order to carry out the policy of this title.

Mr. BALLMAN. You will find it has the same general connotation, but the wording is a little smoother and more to the purpose, I think, of the people.

Then on page 4, lines 4 and 5, we suggest these would be better expressed as “* * * or industrial plant with the view to making recommendations.”

Deleting the word “solution” is required for two reasons: A solution is not now known to every pollution problem; and a recommendation can be made without enforcement, whereas a solution may entail enforcement activity which we understand is not the purpose of this legislation.

Page 4, lines 6 through 11, section 205, may be better written as follows:

The Surgeon General shall collect and disseminate such information relating to air pollution and the prevention and control thereof as he deems appropriate to carry out the purposes of this act.

That, Mr. Chairman, is copied from S. 890, page 5, lines 22 through 25, adapted to air pollution control.

Senator KUCHEL. The sense of the section is not changed. It is merely your suggested change in language to express that, is that not correct?

Mr. BALLMAN. It covers the same type of legislation, consistent in thought, and I think it is easier on everyone. It is merely a nicety rather than a substantive one, Senator.

Senator KERR. The rest of your testimony, I take it, consists of suggested changes in language. Is that correct?

Mr. BALLMAN. With the exception of the last one, sir.

Then on page 4, lines 12-25; page 5, lines 1-22, section 206 should be deleted for the following reasons—this has to do with your advisory board: (a) This board has no authority, only the power to “review policies” and “make recommendations thereon in reports,” it can only act to harass, but has not the power to influence or take action; and (b) as presently constituted, this board is made up of four Federal Government representatives, 1 quasi-government representative, 1 State government representative, 1 municipal government representative, 1 engineer (air pollution), 1 individual, 1 industrial representative, or 6 Government officials, 1 quasi-government official, and 3 others.

This board is unbalanced and can have no force of disagreement with governmental action.

Senator KERR. I would like to have you reread that statement. I believe I would like to have you drive that one by again slowly.

Mr. BALLMAN. This board is unbalanced and can have no force of disagreement with governmental action.

Senator KERR. I would like to have you explain that to me.

Mr. BALLMAN. Sir, I have had experience with advisory board and other boards and various governmental boards, and it has always been my experience with the boards that I have dealt, that unless you have

an equal balance of, for instance, the medical profession, the administrative, and the industries affected, you cannot have an equal action on such a board.

Senator KERR. That is what you meant by that language?

Mr. BALLMAN. That is very much so.

Senator KERR. I can understand that. All right.

Mr. BALLMAN. You have six government officials which are passing on something that the Government is regulating.

Senator KERR. I was not finding fault with your conclusion. I was just trying to understand it.

Mr. BALLMAN. It has taken me a few years to understand it, sir.

Senator KERR. "Can have no force of disagreement."

Mr. BALLMAN. Maybe it was a poor way to say it.

Senator KERR. It may be the best way to say it, but I do not know what it means.

Mr. BALLMAN. It is very hard to criticize your own work. I think all of us as human beings, like to think our work is good; and if the same Government officials are instigating certain rules and regulations—

Senator KERR. If I were to be saying it and say what I think you meant, I would say that this board is unbalanced and would have no tendency to disagree with the governmental action. Is that what you mean?

Mr. BALLMAN. Very good. If you wish to change it to that, that would be fine.

Senator KERR. No, not at all. It is your testimony. I am just trying to understand it.

Senator KUCHEL. Let me interrupt, Mr. Chairman, so that the record may show, that a committee was set up by the President last year in which representatives of many, but not all, of the agencies which are mentioned in 206 were represented.

That was in an attempt to correlate the thinking in the several agencies without endeavoring to create a new Cabinet post on this problem.

The object of the committee in the bill is that the matter will not be radical in the continuance of this type of roundtable discussions among people whose departments were interested.

Yesterday, for example, Senator Case suggested to the committee that the Atomic Energy Commission might well have some members of its staff participate in discussions.

It is well known that this is a growing problem. I do not need to urge that on the Chairman. We have items in the record indicating the growing hazard to the health of the people, to agriculture, in air pollution.

Then this was an attempt to present to the committee in this section the possibility of a group of officials, public and private, who could develop their thinking and perhaps be responsible in future sessions of the Congress for recommendations for legislation.

That is it.

Mr. BALLMAN. To this end we agree, sir, with Senator Kuchel, but I do not think it is so stated the way it is set up.

Then, if it is found that such a Board is required, it should be given more direct authority to work with the Public Health Service and

should be so constituted as to reflect more equally the influences of all facets of air pollution problems.

For instance, I think Dr. Ludwig asked for representation on this Board, and said it is so heavily unbalanced by governmental agencies that it would not be effective.

Then on page 5, lines 23 and 24; page 6, lines 1 through 3, while it is understood that this is an authorization for funds and the actual amount of funds are to be established at a later date, it may be well to stipulate an amount for the first year and a similar amount or such other sums as may be needed for future years. For this suggested procedure, we refer you to S. 890, page 6, section 5 (a), as an example.

Page 6, lines 5 through 11, this statement should be more clearly set forth. The following is suggested:

Make grants-in-aid to public or private agencies and institutions and to individuals for research or training projects and for demonstrations and provide for the conduct of research, training, and demonstrations by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes.

This suggested language is taken from S. 890, page 4, section 4a-2, lines 19-25, adapted to air pollution control.

On page 6, lines 18-23, we have the same comment as the second suggested change before this one, to refer to S. 890, page 6, section 5a, as an example of the suggested procedure.

Page 7, lines 4 and 5, should include the word "purchase" since it may be possible to acquire existing facilities economically. That concerns the erection of facilities, and it has been pointed out that it may be possible to purchase such facilities for less than it may cost to construct them, and for that reason it is suggested that the word "purchase" be added.

On page 7, lines 11-20, section 208, this section should be deleted for the following reasons:

The Surgeon General of the Public Health Service already has the power of acquiring personnel to administer this act when it becomes law.

Are the five officers a proper number? How is this determined? How would it be changed if more were required except by reenactment of legislation? We feel that under this provision, he probably would have to have legislation, and we question the necessity of that in this legislation.

Senator KERR. I might be inclined to agree with you on that.

Mr. BALLMAN. Therefore, gentlemen, while we agree with the general purposes of S. 928, we cannot recommend its passage in its present form.

This testimony is submitted for your considered opinion and action, holding to our original purpose of seeking good, realistic, reasonable legislation for air pollution control.

May I say our association stands ready to serve your committee and any other legislative body in any manner in which we may serve on air pollution legislation.

That is all I have, Mr. Chairman.

Senator KUCHEL. Just a question or two, so we may understand each other.

Disregarding entirely the provisions of this bill, what is your view and the view of those whom you represent respecting the advisability of injecting Federal responsibility into air pollution research?

Mr. BALLMAN. The companies that I represent—that is, pollution control, as well as industries, research agencies—have been alarmed. I say alarmed in a modest sense.

I do not mean to exaggerate that word “alarmed.” They do not understand what is being attempted, and throughout here we have tried to remove such words as “control.”

There was one word in here, “solution,” that we suggest taking out, because the Public Health Service or ourselves do not know the solution of all these problems; and, secondly, a solution entails enforcement.

You can make a recommendation, but a recommendation for a solution, somebody then has to give the incentive to have that recommendation followed.

It is little things like that. I have gone over this testimony probably too rapidly, but for the purposes of this legislation, I think it will be fully considered.

Getting to your question, sir, it is generally considered that research and investigation is in order provided it does not become too general. For instance, very little is known, as the good Dr. Ludwig pointed out yesterday, about the reaction of human beings based upon a concentration of air pollutants at the breathing level. We feel that here is a terrific area for the Public Health Service to do all the research they can.

The sooner we know what is necessary for the average human being—and we have to say the word “average”—to live in a manner that is consistent with good health and his welfare, the sooner we can prescribe control legislation that will do a job.

In your particular area of California and in other areas of this country, there are many people who are claiming great health hazards. This has not been proven, and unfortunately we will not know until the health hazard becomes a realism, and then it is unfortunate.

Senator KUCHEL. Do you suggest the—and is it your belief—Federal Government should utilize its research facilities in the field of air pollution?

Mr. BALLMAN. For that type of purpose; yes, sir.

Senator KUCHEL. For example, there is testimony in the record that air contaminated is injurious to many types of agricultural crops?

Do you believe the Department of Agriculture ought to be given the authority to determine the problems of air pollution in relation to agriculture?

Mr. BALLMAN. To the degree that it has to do with research and investigation, yes.

Senator KUCHEL. Do you find anything in the bill which gives you cause for concern, that it goes past research and investigation?

Mr. BALLMAN. As presently written, yes. You have the word “control,” and this word “solution” which is disturbing in the bill.

Senator KUCHEL. Is that the only wording that gives you concern?

Mr. BALLMAN. That and these uniform laws give considerable concern.

Senator KUCHEL. You do not believe that it should be a function of the Federal Government to encourage the adoption of uniform legislation?

Mr. BALLMAN. I cannot see how it is possible to do so. For instance, in Los Angeles County, you have the most restrictive conditions weatherwise and geographically in the country.

This is no reflection upon other cities, but I think that there are other cities that have somewhat greater air pollutions than Los Angeles County, but because of the great dispersal rate, the winds that catch the flat country, and it is not necessary to restrict their cities like you will need to in Los Angeles County.

Senator KUCHEL. You agree, of course, that this bill does not purport to give any Federal official or agency the right to require adoption of local legislation? This is merely along the lines of encouraging. You agree with that?

Mr. BALLMAN. The wording is very clear, but you also have certain grants-in-aid which can be used as somewhat of a strong encouragement factor and that is the point we would like to keep rather clearly in mind.

Senator KUCHEL. To that extent, do you oppose the theory of Federal grants-in-aid to study air pollution?

Mr. BALLMAN. No, provided they are not used as a big stick.

Senator KUCHEL. A big stick, Mr. Ballman?

Mr. BALLMAN. There is no way to say that the Public Health Service will function in this manner, and I do not think that in the past they have, and I have the very highest regard—may I say this first of all—for the Public Health Service.

I may say I have also talked to them, and they have no indication of wanting to control anything; but if you are encouraging on one hand certain uniform State laws, and there is no limitation to the manner in which you can encourage it, I see no reason why they should not be somewhat adverse to granting aid if you are not encouraging what they are asking you to do.

There is a connection there. It is somewhat weak. It is a weak link, but it is one that may cause others to be apprehensive.

Senator KUCHEL. Who specifically would be apprehensive about that provision in this proposed legislation?

Mr. BALLMAN. I think every State in the Nation should be apprehensive about having a uniform State law that would be similar to California's that might be based on Los Angeles County.

Senator KUCHEL. We do not have any State air-pollution control legislation.

Mr. BALLMAN. You have five States now that do, I think: Massachusetts, New Jersey, Oregon, Washington, and Pennsylvania, as I recall, and others are right around the corner.

Senator KUCHEL. Do you oppose the enactment by the rest of the States of air-pollution legislation?

Mr. BALLMAN. No, provided that you substitute their own specific State-local conditions and not make it a uniform enactment across the 48 States.

We further feel that some States do not need legislation. There may be a State—I think we had a man here from North Carolina

who testified on this bill, and he said we have no particular problems, and yet we feel it should be done.

Should this particular State, North Carolina or South Carolina, have legislation just to encourage uniform legislation?

Senator KUCHEL. Mr. Ballman, let me ask you a question: You were the executive secretary of the Air Pollution Control Association?

Mr. BALLMAN. Yes, sir.

Senator KUCHEL. Is that a public agency?

Mr. BALLMAN. No, sir.

Senator KUCHEL. What type of agency is it?

Mr. BALLMAN. It is a nonprofit corporation.

Senator KUCHEL. In Pennsylvania?

Mr. BALLMAN. That is correct.

Senator KUCHEL. Who belongs to it?

Mr. BALLMAN. Anyone who wishes to join who has an interest in air-pollution control.

Senator KUCHEL. What are the names of some of the members?

Mr. BALLMAN. For one, we have Mr. Larson, who is the head of your program in Los Angeles, now head of your research and engineering group. We have Mr. Linsky, chief of the Smoke Abatement Bureau of the City of Detroit; the Stanford University research group itself is a member as a research organization. There are over a thousand members, Mr. Chairman, and I could not remember all of them.

Senator KUCHEL. Where do you get your funds from?

Mr. BALLMAN. From membership only. We have three types of memberships: sustaining, company, and individual membership.

Senator KUCHEL. I must say in all frankness, Mr. Chairman, that it is just inconceivable to me that anyone should oppose the adoption of legislation authorizing and directing the agencies of the Federal Government to participate in the problem of air pollution to the extent of making a scientific research—

Senator KERR. He approves of that, as I understand it.

Senator KUCHEL. Right, to the extent of making grants-in-aid.

Senator KERR. He approves that, as I understand it. As to the unfettered use, any coercive or persuasive control—

Senator KUCHEL. Let us just stop there for a moment. How could you provide for legislation that would preclude coercion by the Federal Government?

Senator KERR. I do not believe that there is any basic difference between your position and his on this matter. As I understand his position, he says that a uniform law with reference to air pollution would result in the same law in California that you would have in Kansas, but what he says is that a law to meet the needs of California would be entirely superfluous probably in Kansas.

Mr. BALLMAN. That is right.

Senator KERR. What he has said, as I understand it, is not in opposition to the principle of your bill, as I understand it, but he has told this committee that in his opinion it would be an error to adopt a policy in legislation (1) that would provide grants-in-aid by the department of the Federal Government which at the same time would be charged with the responsibility of enforcing air-pollution legislation.

I do not see anything inconsistent with your position. If the language were changed to say that the policy would be declared to encourage any State that needed it to pass an air pollution law, consistent with its own needs and requirements, according to what he said, he would have no objection, and certainly as I understand your position, that would meet your position on it.

Senator KUCHEL. Are we agreed on that, Mr. Ballman?

Mr. BALLMAN. Indeed, yes. I am quite happy that the chairman helped me express it so well.

Senator KUCHEL. If that were taken care of, your sole remaining objection would be the use of the word "control"?

Senator KERR. I do not understand that to be the sole remaining objection.

Senator KUCHEL. Aside from those technical objections. But, Mr. Chairman, what I am doing is as he concludes his statement, he suggests that he is opposed to this legislation, and I am trying to—

Senator KERR. He concludes his statement by saying that he is first seeking a good, realistic, reasonable legislation for air pollution control, and certainly that is your position.

Senator KUCHEL. And yours.

Senator KERR. And mine. Now, he has told us, as I understand it, that his association opposes legislation that would give the Federal Government control over air pollution legislation within the States.

Senator KUCHEL. That is not in this bill.

Senator KERR. I do not say that it is. I am trying to tell you what I understand his position to be. He has identified certain language. He has said the word "control" is in there. He says that gives him concern. I think maybe control means control.

Senator KUCHEL. Let me say this: Aside from his suggestions of language, and as I understand his thinking, does not destroy any of the intent of the language in the bill, aside from that, his objection to the legislation comes on this first question of the uniformity of State legislation, and we have resolved that, and secondly, I think the use of the word "control"—let us take a look at that. Where is that?

Mr. BALLMAN. Where is that? That is on page 2, lines 15 to 21. It is in line 20 actually.

To this end, the Secretary of Health, Education, and Welfare and the Surgeon General of the Public Health Service (under the supervision and direction of the Secretary of Health, Education, and Welfare) shall have the responsibilities and authority relating to air pollution control vested in them respectively by this title.

Senator KUCHEL. What air pollution control authority vested in them by this proposed legislation?

Mr. BALLMAN. Air pollution control authority to encourage enactment of uniform State laws.

Senator KUCHEL. We have taken care of that.

Mr. BALLMAN. It leaves this one over on page 4, lines 4 and 5, "or industrial plant with a view to recommending a solution of such problem."

Senator KUCHEL. You find that offensive?

Senator KERR. As associated with the bill that uses the word "control." I would think that there is no difference between you in principle, as I view it and listen to you both on that.

I must say that it is not inconceivable that the word "control" might be interpreted either by the administrator or a court to mean what he fears it might be interpreted to mean, which, as I understand your position, would go beyond what you want to reach.

Senator KUCHEL. You are entirely correct, Mr. Chairman. Again I say as you read this bill, it just seems to me that the witness' fears are completely groundless.

Senator KERR. Yes, but, nevertheless, as I look at him and listen to him, I am persuaded that he is a perfectly normal human being and more than average intelligence, and apparently he has read that bill, and has had that reaction, and apparently his group has had that reaction.

It may be that that language should be eliminated to avoid that reaction on the part of those in the Federal Government responsible for administering this act.

Senator KUCHEL. It does, and if we get down to a question of semantics, those questions would have to be resolved, but recommending a solution—if that is not language that gives it free of coercion by the Federal Government, I do not know how you could be more free of any threat of coercion. As I say, I just do not know how you could be any more free of the threat of coercion by the Federal Government than by using the words "recommending a solution."

It does not say "require a solution." It does not say directing the alleged guilty parties to take certain specific steps.

Senator KERR. Senator, the title of the legislation is air pollution control. The language says the title may be cited as the Air Pollution Control Act of 1955.

Senator KUCHEL. Yes, sir.

Senator KERR. The witness says that that could, and its repetition and its connotation causes him and his association—which is a non-profit organization and seeks no personal end here, which devotes its time apparently to the problem of eliminating pollution—this creates within them apprehension and concern.

As I say, as I understand it, there is no purpose on the part of the authors of this bill to achieve that which they fear.

Senator KUCHEL. That is entirely correct.

Senator KERR. That being the case, it would occur to me that perhaps a way could be found to use language which would accomplish the purpose and make it clear that there is no control either created or threatened.

I believe that to be the purpose of the testimony of this witness.

Mr. BALLMAN. That is right.

Senator KUCHEL. Mr. Chairman, again I want the United States—and I am sure you do and I take it now the witness does—clothed with the statutory authority—

Senator KERR. I would say clothed with the statutory responsibility to make a contribution without in any way getting into the posture of overriding the authority and responsibility of the State or the municipality.

Senator KUCHEL. Yes, sir; if we are going to get down to words which create some apprehensions as to what this legislation is designed to do, eliminate, abate, or control a nuisance, insofar as this bill is

concerned, by grants in aid and by encouragement—but again I do not want to haggle over the use of a word.

Senator KERR. I have no tendency to do so. I wanted to state what I understood to be the witness' position.

Mr. BALLMAN. We have recommended here, Mr. Chairman certain changes, for instance, "or industrial plant with a view to making recommendations" period. There are two reasons for that, Senator.

The Public Health Service could be embarrassed to make a recommendation of a solution in some specific cases. We can make recommendations to try this or that but when you make a recommendation for a solution, that could be embarrassing.

Senator KUCHEL. You can make recommendations without making a recommendation for a solution.

Senator KERR. And if you had to extend it as a solution, you might hesitate to make the recommendation, is that it?

Mr. BALLMAN. You might be off-base. That is correct.

Senator KUCHEL. At any rate, you are in complete sympathy with the general intent at this time of the legislation and the need for it?

Mr. BALLMAN. That is correct.

Senator KERR. What he conceives to be the general intent of the legislation, Senator.

Senator KUCHEL. And I trust you and I are in agreement as to what your conception may be.

Senator KERR. I have stated what I understand it to be.

Senator KUCHEL. And I agree with your statement.

Mr. BALLMAN. The Chairman has stated it very well, and I want to thank him for his help. I assume that will be a part of my testimony.

Senator KERR. Thank you very much.

Mr. BALLMAN. Thank you, Senator.

Senator KERR. Thank you very much for a very enlightened and interesting discussion.

I am going out of order to call on the mayor of Philadelphia here, for a number of reasons, including both his necessities and our convenience.

STATEMENT OF HON. JOSEPH S. CLARK, MAYOR OF THE CITY OF PHILADELPHIA, PA., REPRESENTING THE AMERICAN MUNICIPAL ASSOCIATION

Mayor CLARK. Thank you. I appreciate your courtesy in allowing me to testify out of turn, Mr. Chairman. It is a pleasure to be here.

Gentlemen, with your permission, I would like to file for the record, some testimony, which I hope will be considered on the basis of the American Municipal Association with respect to S. 928, and Mr. Patrick Healy, who is the executive director of the American Municipal Association would like to have the privilege of appearing and testifying after the witnesses who are in a hurry have been heard, with respect to S. 890.

I would like merely, if I may, to summarize briefly the reasons why we urge enactment and a favorable report on the air pollution control bill.

In so speaking, I am representing the American Municipal Association, which, as you know, is composed of most of the major cities in the United States, and practically all of the leagues of municipalities, which exist in the country.

I think there are 44 leagues of the 48 States. I think the best way to get it in, sir, is to deal with Philadelphia as a specific city.

Senator KERR. First, your statement that you have, you want that in the record in full, do you not?

Mayor CLARK. If I may, sir.

Senator KERR. Fine. It will be inserted in the record without objection at this point.

(The above-mentioned document is as follows:)

TESTIMONY OF JOSEPH S. CLARK, JR., MAYOR OF PHILADELPHIA, PA., VICE PRESIDENT OF AMERICAN MUNICIPAL ASSOCIATION BEFORE THE SENATE COMMITTEE ON PUBLIC WORKS (SUBCOMMITTEE ON FLOOD CONTROL—RIVERS AND HARBORS) APRIL 26, 1955. SUBJECT: S. 928

I am Joseph S. Clark, Jr., mayor of Philadelphia, and vice president of the American Municipal Association and appear before this committee as a representative of that association in support of S. 928, to provide for the control of air pollution. I can perhaps most effectively present the municipal viewpoint in general by dwelling somewhat specifically on our own experience in Philadelphia in particular.

We, in Philadelphia, have long been acutely aware of our need to control and regulate air pollution. In June of 1948, an air pollution control ordinance was passed. The experience gained under this ordinance led in 1954, to the passage of our present comprehensive ordinance and its associated regulations.

An active program for the abatement of air pollution is now being carried out under the division of air pollution control and environmental sanitation in the department of public health. In this, Philadelphia recognizes the close association of the health of the people and the environment in which they live.

Philadelphia's program has my greatest interest and support. We have an air pollution control board composed of leading citizens and industrialists who vigorously assist our efforts toward better air sanitation through sound advice and persuasive assistance.

Philadelphia is a large and thriving industrial metropolis. Still, there are practical limits to the funds which can be made available at the local level. Such funds of necessity must be used in the routine every day battle of eliminating or controlling sources of air pollution. We are budgeting over \$100,000 (about \$120,000) annually in Philadelphia for our air pollution control program. Approximately \$10 million is being spent by the city in the period 1952-1956 on incinerators to eliminate the serious air pollution problem from open burning on dumps. Funds needed for the equipment and the manpower for basic research are not available to us. Yet who can deny the fundamental importance of this basic research in determining:

1. the causes of air pollution.
2. the effects of air pollution.
3. the methods of its control and alleviation.

As the public's emphasis, and our own, moves away from visible smoke to odors and gases which cannot be seen, the need for positive bench marks on what can be tolerated, becomes particularly severe. Such bench marks can only be obtained by research.

An example of the need for research to determine effect and control of air pollution is the present situation with respect to hydrocarbons emitted from the exhaust of internal combustion engines and other sources. Research of industry and some public agencies is showing some promise of solving this problem; however, there is every reason to believe that increased means for research would have already provided the answer. Large sums have been spent by some industries to control emissions of SO₂ and we are not sure yet just what we have controlled and its overall importance in the air pollution picture.

We accept willingly our role as the enforcement agency. Basically, this type of enforcement belongs at the local level. We admit, readily, our need for the information research can supply and feel that this work can and should

be done on the Federal level or by means of Federal aid to public and private agencies. Aid in this matter is provided for in Senator Kuchel's bill S. 928.

I furthermore recognize that few municipalities can afford to maintain experts in all phases of highly technical fields. Senator Kuchel's bill recognizes this also and seeks to provide means of making the services of such experts available to us. As important, perhaps, as the need for special technical assistance, is the importance of the collection and dissemination of information. We admit that some phases of this work today is on a "trial and error" basis. If we are aware of the trials and errors of others, our own path to a solution is both easier and cheaper.

The Senator's bill recognizes the need of not only encouraging cooperative activities by State and local governments but the fundamental need to encourage the uniform laws which would make such joint action even more possible. Philadelphia, as a large political entity in one State, but yet bordering on another State, clearly recognizes the need for joint action and uniform laws.

We are proud to say that in conjunction with the State of Pennsylvania, the State of New Jersey and the Public Health Service, we have recently initiated a joint air sampling program. This program recognizes that the air pollution in this case is an area problem in which we all have a share.

As an industrial city, we recognize the basic lack of fairness in a pattern that imposes a financial burden on the industry of one locality and not on another. Here, perhaps, is a good underlying reason for uniformity of laws. The industry of my city has, in the past, spent millions of dollars in the prevention of air pollution. We know that their past expenditures will be greatly exceeded by those in the future. Between January 1952, and October 1953, these expenditures were estimated at \$5 million. It was further estimated, at that time, that an additional \$5 million would be spent in 1954. These expenditures must mean lower profits or increased consumer costs. Industry in Philadelphia recognizes the importance of cleaning up air pollution. The ask that they not be penalized by competition not faced with the same basic costs.

While on the matter of money spent on abatement, let me also call your attention to Senator Capelhart's bill S. 1565. This bill endeavors to aid industry in financing this high burden which is being placed upon it by providing for loans. It is no easy matter for a relatively small plant with a large air pollution problem, to face the enraged citizenry, the law enforcement agency, and the enormous cost of control equipment all at one time. Catalytic combustion units and electrostatic precipitators are often figured in hundreds of thousands rather than tens of thousands of dollars. Expenditures in excess of a quarter of a million dollars are no longer rare items in the abatement of air pollution. If we can help industrial finance this burden, we help it to be the good neighbor it desires to be.

In closing, let me quote, from the opening section of Senator Capelhart's bill S. 1565—"that smoke elimination and air pollution prevention are important factors in the prevention and eliminations of slums and blighted areas and in the conservation of the health and property of the people of the United States." It is my strong personal feeling that there cannot be any more important reasons for your favorable consideration of both Senator Kuchel's and Senator Capelhart's bills.

MAYOR CLARK. We in Philadelphia as a specific example of the air pollution problem have been aware for quite a long time of the need for pretty intense regulation, and we are spending a good deal of money on it and like most cities we are broke and we would be grateful for support in the area of research, encouragement and support from the Federal Government.

SENATOR KERR. Be specific. You mean in the area of grants-in-aid and research by the Federal Government to assist you?

MAYOR CLARK. Yes, to be quite specific, along the lines of this bill.

We have had since 1947 an air pollution ordinance, and the experience gained under this ordinance led in 1954, to the passage of our present comprehensive ordinance and its associated regulations, which we like to think of as the most comprehensive and the most modern of the ordinances.

Perhaps that is a lot of pride, but we have had a lot of public support, and we have made a rather substantial inroad into this air pollution program.

But we have not licked the problem. We are now budgeting \$120,000 a year of our local funds for our air pollution control program, and about \$10 million is being spent from the years 1952 to 1956 for the construction of municipally owned and operated incinerators, which will make it possible for us to eliminate open-dump burners, which has been a dreadful thing in our city for many, many years in the past; but we do not have the funds necessary for the equipment nor the manpower for basic research.

And, yet we know that it is badly needed to determine three things: the causes of air pollution; the effects of air pollution; and the methods of its control and alleviation.

We are going away from visible smoke to odors and gases which cannot be seen, as we are getting the visible smoke pretty well under control.

The progress of that art is not very well developed—that is the control of odors—and there is a great deal of research needed in order to give us the guideposts on which we can intelligently guide such a program.

For example, we have chemical companies which exude noxious odors. They want to help with this problem, but we do not have the research to tell them what is best to do. We have unfortunately a number of tanneries in our city, where the odor-control problem is very serious, and we do not know how to handle it.

We are seriously considering whether we do not have to remove them from the city, but it would be a great loss in capital, and employment, and would be bad for the city.

But on the other hand, they are causing a great amount of discomfort to a large number of residents, and pretty soon you get into the problem of whether it is a public nuisance.

This is really a very serious problem. Your Mr. Polson has been to Philadelphia, and we have exchanged views, and we are particularly aware of the fact that our problem may be less than that of Los Angeles, but it is identical in principle with your smog problem in Los Angeles.

This thing is getting worse, and it is not getting better at all.

There was another aspect of it, which I would like to mention, although it is not actually concerned with the bill which is now before you, and that is with regard to Senator Capehart's bill, S. 1565, which would give grants-in-aid to industries, particularly medium and smaller ones, to finance the cost of equipment and construction in order to enforce the pollution control. I would like to see it passed.

I would like to testify to support it when the time comes over here, because it is all one problem. This is a splendid bill. That is a splendid bill. They attack from different angles this overriding problem.

It has a great effect in slum clearance, because they are located where they are because you just cannot get anybody to live there because of the smog problem.

We are pressing before the legislature of the Commonwealth of Pennsylvania a State Pollution Act, which with New York, St. Louis,

Chicago, and a number of the other large cities of the country, are on the edge of State pollution.

We pollute Camden, New Jersey, when the wind is from the west; they pollute us when the wind is from east. It is very difficult to work those things out on the basis of State compacts, and we would be very grateful if the Federal Government would move into this field on the basis of this bill.

Thank you very much.

Senator KERR. Thank you very much, Mayor.

Senator KUCHEL. Let me ask you one question, Mayor. I wonder if in the enforcement of your Philadelphia air-pollution-control ordinance, have you had any difficulties at all with any Federal installations there?

Mayor CLARK. No, indeed, not that I am aware of. We are having some trouble with our own municipal installations.

Senator KERR. Thank you, sir.

STATEMENT OF WALKER PENFIELD, CHAIRMAN OF THE AIR POLLUTION ABATEMENT COMMITTEE OF THE MANUFACTURING CHEMISTS' ASSOCIATION

Mr. PENFIELD. Mr. Chairman, and gentlemen of the committee, my name is Walker Penfield. I am associated with the Pennsylvania Salt Manufacturing Co. of Philadelphia and am appearing before the subcommittee today in my capacity as chairman of the air pollution abatement committee of the Manufacturing Chemists' Association. Our association has already been described in the testimony on the bill S. 890.

For a number of years our association, through its air pollution abatement committee, has sponsored and furthered a voluntary program of air pollution abatement by the members of the Manufacturing Chemists' Association and by the chemical industry in general.

One of the achievements of our air pollution abatement committee has been the publication of an Air Pollution Abatement Manual which consists of 12 chapters and 2 bibliography supplements. It has become recognized as an authoritative publication on this subject.

In addition, our committee holds a number of meetings each year and sponsors an annual conference at which time valuable technical information is exchanged regarding air pollution abatement methods, developments, and programs.

Our purpose in testifying today is to express our views on Senate bill 928 introduced by Senator Kuchel.

Our association has given very careful thought to the desirability of any Federal legislation at this time. We feel that passage of national air pollution abatement legislation is somewhat premature, since this is a field that is still not completely understood and for which rules or regulations cannot be laid down with any certainty. Comparatively little is known about the effects of air pollution on human, animal, or plant life or on property; but research aimed in this direction is gradually lifting the veil of ignorance.

We recognize the desirability of Federal participation in the problem of air pollution. Recent evidence of our feeling on this subject is reflected in a talk (copy attached) which the president of our

association, Mr. William C. Foster, made at the Third National Air Pollution Symposium at Pasadena, Calif., on April 20 of this year. To effect the most good, the manner of the governmental participation must be very carefully thought out so that it not circumvent or weaken the very substantial progress already made and currently being made toward the solution of air-pollution problems. It is our feeling that the Federal Government's role in this field at the present time should be limited to aiding research on air pollution.

Before any effective control effort can be devised or initiated, a comprehensive research program must be undertaken to define the problem and recommend the solutions that are favorable and practical.

We don't want to cry "wolf" everytime there is a proposal to bring the Federal Government into some kind of control activity, but the air-pollution problem is primarily a local one. For example, the problem in Pittsburgh was quite different from that in Los Angeles. The Pittsburgh difficulty was revealed to have stemmed from the burning of bituminous coal under conditions which allowed it to smoke. This has been corrected by conversion to proper burning equipment, and the atmosphere in Pittsburgh today is acknowledged to be quite satisfactory. Los Angeles, on the other hand, burns no coal. Its smog difficulty, at first, was thought, in part, to stem from chemical compounds coming from oil refinery operations. Many millions of dollars were spent to correct this, but the basic inconveniences to the people of Los Angeles were not solved; visible haze was not reduced, and the eye irritation was not lessened. Current thinking is that eye irritation is caused by the combination of ozone and unburned hydrocarbons, the latter, in great part, coming from automobile exhausts. It seems reasonable to expect that the comprehensive work now in progress there will reveal the exact nature of the trouble. When the cause is known, the problem can be attacked on an intelligent basis.

It is, therefore, evident that without exact and specific knowledge of what is causing an air-pollution nuisance no really effective means can be developed to abate it. Without such knowledge, it is inevitable that much time and money will be wasted. The Los Angeles situation should be a stern warning in this respect. In Los Angeles the machinery for air-pollution control was created by law and set in motion without knowledge of the reasons behind smog formation.

About 3 years ago our association prepared a small pamphlet entitled "A Rational Approach to Air Pollution Legislation," a copy of which is submitted to the committee, and we would now like to quote briefly from our publication. This quotation sets out the concept of uniqueness which must be considered in the control of air pollution.

Senator KERR. May I ask a question there? You have handed us a copy of the remarks of William C. Foster, president of the American Association of Manufacturing Chemists, entitled "An Approach to the Air Pollution Dilemma."

Would you suggest that the contents of these remarks are of such a nature that they would make that contribution to this hearing that would warrant their being included in this record or did you just give it to us because of the contribution it makes to the general knowledge on the subject of the air-pollution dilemma?

Mr. PENFIELD. We would, if you will, suggest it should be so included. We think it states our position very plainly at this time.

Senator KERR. It then goes not only to the problem but your position with reference to this legislation as affecting the problem?

Mr. PENFIELD. While it was not aimed exactly at this legislation, it does set forth our position, and I think it is an important contribution for that reason.

Senator KERR. It will be made a part of the record now.

(The above-mentioned document is as follows:)

AN APPROACH TO THE AIR POLLUTION DILEMMA—REMARKS OF WILLIAM C. FOSTER, PRESIDENT, MANUFACTURING CHEMISTS' ASSOCIATION, INC., BEFORE THE THIRD NATIONAL AIR POLLUTION SYMPOSIUM, PASADENA, CALIF., APRIL 20, 1955

It gives me real pleasure here today as a speaker on a subject of paramount interest and concern to the industry I represent. The title of my talk indicates, as you would expect, that I do not have an easy answer to America's air-pollution problem.

I do know that the chemical industry—and, for that matter, all industry—is now aware that one of the great single problems facing it today is pollution abatement. As we meet this afternoon, 68 bills are under consideration in 12 State legislatures dealing in one way or another with air-pollution abatement. Unfortunately, some of them are unduly restrictive. In the Congress of the United States 20 bills dealing with pollution have so far been placed in the hopper.

I need not remind the residents of California of last year's upheaval when it was suggested that the smog situation might be largely caused by the effluent of one industry. It should be noted that in this instance industry did not accept the role of public whipping boy but spoke back in a sensible, well-considered manner. That the situation ever developed at all was certainly regrettable.

I think the public at large should know that we in industry have come to realize certain truths. We have learned that the time has passed when pollution was a natural concomitant of production and the community involved could take it or leave it. The chemical industry, for example, today designs its new plants with every consideration given to pollution-control measures. I venture to say in major American industry the management which would consider building a new plant without planning as completely as possible for pollution abatement is about as rare as the duck-billed platypus.

At this juncture a critic of industry might say, "Well, it's about time." I'd like to have that critic join me on a little trip back through history. Not very far back, either. At the turn of the century, and during the decades immediately following, industrial growth was making America. It was making the country we enjoy today. Too many of us forget that at the time of the Spanish-American War we were a second-rate power in the world and didn't begin to achieve our present status until well after World War I. Combined with a good geographical location, a lot of native initiative and drive, and the growth and expansion of our industrial plant, which stems from our free competitive-enterprise system, we have risen to major status.

Pollution wasn't nearly as great a problem in 1900—for one thing, we didn't have as many industrial centers; for another, the entire population totaled only 76 million. And for a third, in the absence of specific technology, where it existed, pollution was usually a necessary evil. It should be remembered that our industrial forefathers, whether laborer or plant owner, didn't like pollution. They just couldn't do very much about it, and therefore adjusted themselves to living with it.

As our body of technology grew, man came to learn that things could be done to abate pollution. And when conditions were serious enough and sufficient capital was available, pollution abatement began.

It is not being fanciful to imagine that in perhaps more than one instance in those bygone days, the mayor, the local physician, and the owner of the mill discussed the problem, talked about how an improvement would benefit the community in which they all resided, and then took the first steps to abate pollution.

Today we have the same community problem multiplied many times. Although we all recognize that air pollution must be handled as a local matter, we must also realize that the wind is not limited by State lines or national boundaries,

and some form of national consideration and technical assistance is becoming necessary.

In this connection, I read just recently of a concept put forth in a study being conducted at Yale University that treats the entire stretch of land from Norfolk, Va., to Portland, Maine, as one "city." This portion of the eastern seacoast extends 600 miles and includes 34 million people.

The premise on which this sociological study is based is that in the area under consideration the great cities and their suburbs, and this includes Washington, Baltimore, Philadelphia, New York, Boston, and other major cities, have so expanded geographically that in many cases they have blended with the next nearest city, forming one enormous concentration of population and industry, one-fifth of our population in just 3 percent of our land area.

Within the framework of this concept it is clear that the problem of air pollution and the requirements of pollution abatement transcend city and State lines.

Looking at the overall problem, we still have 1 community, our whole country, and the same 3 interested parties. The mayor has been replaced by city, State, and Federal Government. The physician is represented by all medical groups and the State and Federal Public Health Service. The plant owner is today's corporation and the groups or associations which represent them, such as mine and others represented here.

While progress has been made over the years, it is patently clear that the three groups, all, incidentally, representing the same 160 million Americans and working for the same 160 million people, must come closer together in their efforts to reach a solution.

As I consider the goal toward which we are all aiming, certain specifics occur to me.

1. *For one thing, we need more extensive utilization of the techniques and technology now available to us.*—A good deal of pollution exists today because of either indifference or ignorance. People or industries who are either ignorant or indifferent, or both, are the ones who impel our legislators to enact laws saying, in effect, "Cease pollution." These people must be helped to see the light. They must become aware that there is no longer a place in today's community for those who choose to ignore their public responsibilities.

The last 50 years have seen in this country a great and rather wonderful thing, namely, more of the good things of life available to more people. As this plane of living crept up succeeding generations, profiting by the advances of their parents, became accustomed to more of the good things of life. We in the United States are almost all accustomed to such basics as pure drinking water, electricity, and a certain number of luxuries, however small. Similarly, we are no longer willing to accept noxious fumes, dirty rivers, and polluted air as a necessity of living or of doing business.

At the same time, however, this very elevation in our plane of living has added materially to the millions of tons of polluting materials dispersed into our atmosphere.

During the years industry and others became aware of the necessity of reducing pollution, more of our people were able to buy and enjoy automobiles (with their exhausts), live in modern apartment houses (with flue-fed incinerators), and have a small home in the suburbs (and burn leaves every Saturday afternoon).

These particular problems are ones which we can solve with the scientific knowledge available to us now.

a. Incinerators, be they private, public, or industrial, must be of such design as to minimize effluent. This is simply a matter of mechanical design and a willingness to cooperate.

b. Open burning, coming under control in many cities, is by today's standards indefensible and should be eliminated as quickly as possible. Certainly we now possess knowledge enough to do this.

c. The automobile exhaust is a growing source of air pollutants. I have every confidence that the mechanical genius of our automotive industry will provide a practical answer to this problem before long.

In all our combined efforts we must keep in mind that there is no single panacea. There is instead a steady chipping away until finally the great rock which blocks our path is a collection of small splinters.

Habits of years standing must be overcome. If you tell a man who has been burning leaves in his driveway for 30 years that he can't do it anymore, he probably won't stop when next Saturday comes around.

Then we can't overlook practical economics. If you own an old plant 3 years away from obsolescence and valued at \$1 million, you are going to buck like a Brahma steer against spending \$250,000 on air pollution abatement equipment.

If you put up an apartment house last year with flue-fed incinerators, you're not going to take very kindly to the idea that they should now be immediately replaced.

2. *Secondly, we need research into those areas about which there is still uncertainty.*—The conflicting opinions in the Los Angeles smog situation exemplify this problem. In spite of the best efforts of cities, States, Federal agencies, and private groups; in spite of the more than 100 research projects currently underway in connection with air pollution abatement, we still do not have really effective control measures for the elimination of all kinds of air pollution. This must, of course, be our ultimate goal.

Our knowledge of the possible toxic effect of continued exposure to certain air pollutants is limited. It should be increased and additional new research is certainly the answer here.

As part of the research program we should have a means by which the sum of the research data is made generally available. The body of literature and technology with regard to air pollution abatement is growing steadily each year. A clearinghouse for this information and a system for preventing duplication seems indicated.

3. *Then there is one more step, a vital one—public information.*—Tell people what we are doing and why we are doing it. And by "people" I don't mean ourselves—I mean everyone that will listen.

If a research development shows promise, let's talk about it.

If a "no burning" ordinance is necessary, let's explain it.

If it looks like 20 years before a problem will be licked, let's say so.

The man in the street wants to know why his air is polluted and he wants to know what is being done to help his situation.

Let us have as many conferences, such as this one, as are necessary. Let's set benchmarks against which we can measure our success or failure. And let us report promptly, honestly, and fully on our efforts.

Economic cost and loss

As I planned my remarks to you today, I had an opportunity quite often to reflect on the tremendous cost to our economy of pollution and the substantial economic loss to our economy because of pollution.

We in the chemical industry, you know, couldn't be much closer to the problem than we are. As a previous offender now in the process of reform who has for many years been mending his ways, we know something of the price one pays. Some sources estimate all industry's annual pollution abatement bill at \$100 million. I personally think that figure may be low. In our industry alone an estimated \$40 million per year can be charged to pollution abatement work including research, design, new equipment and operation of the equipment.

Three years ago an authoritative estimate placed the chemical industry's annual cost of just operating pollution abatement facilities at \$9 million. You have to sell a lot of chemicals to have available \$40 million or, for that matter, \$9 million, over and above other costs.

In the city of Louisville, Ky., some \$10 million has been spent on pollution abatement over the last 8 years. I am told that in the Los Angeles area over \$20 million has been spent over the last several years, and so on throughout the country from Florida to the Pacific Northwest.

At the same time these funds are being spent on remedial acts and preventive measures, the present incidence of air pollution is making us, the public, pay another staggering bill in the form of ruined crops, damaged homes and automobiles, and increased laundry and dry-cleaning bills. Pittsburgh, one city that has virtually solved a pollution problem, estimates its annual saving because of lessened pollution at the enormous figure of \$25 million per year.

This is a cost and a loss that we can all cheerfully do without, and the sooner we get a full-scale effort going the quicker we are all going to reap the harvest of cleaner air, less litigation, and money saved besides.

Before departing entirely from the topic of money, I would like to remind everyone here of that fine old truism, "There's no such thing as a free lunch." That applies just as much to pollution abatement as anything else.

When pollution abatement costs become reflected in an increase in industry's sale price for its products, the public at large pays.

When the money comes from the industry's profits, the tax collector is a major loser and must find another way of getting the lost revenue.

At the community level, local and State taxes pay for pollution efforts by the civil authority. At the national level, activities supported by the Federal Government received their funds from the money we pay in taxes.

No matter how you look at it, 160 million of us are now paying and will continue to pay for pollution abatement.

Continuing problem

We in the chemical industry are very well aware, of course, that the pollution problem is a continuing one. Every time a change is made in manufacturing operations, every time a new product goes into production, the pollution problem will raise its head. A continued state of alertness on the part of the individual, the community leaders, and industry will be required.

I deliberately include along with industry, the community and the individual. This is the triumvirate which now causes pollution and it is the triumvirate which will cause pollution to be abated. No one of us can do it alone.

Nor has pollution ever been caused exclusively by industry. While all of you in this audience may know that, few of our fellow citizens do. As recently as this year, a survey of regulatory officials in 40 major cities showed chemicals ranked first among air pollution complaints and some 62 percent of those officials reported they had specific plans to intensify their enforcement effort. While the chemical industry hasn't as yet achieved the status of Caesar's wife, I am sure more than enforcement is needed in those cities and more contributors to the pollution than industry exist. This survey, I think, points up sharply and dramatically the need for close continuing cooperation on the part of all groups involved.

But whether we in industry like it or not, there is a certain logic in the popular idea of industry as the sole offender. It is difficult to equate 1 million auto exhausts, 100,000 building incinerators, and countless backyard bonfires with an industry smokestack which steadily belches forth a sky-darkening cloud.

In the Manufacturing Chemists Association, we have among our committees one whose job it is to help reduce air pollution. This is our active and capable air pollution abatement committee, made up of the industry's air pollution abatement authorities and specialists. We have discussed many times among ourselves what steps could be taken to give greater cohesion to the overall air pollution abatement effort, a program which would include all the parties involved and one that could provide general guidance to any location needing it.

In our discussions we have kept very much in mind the peculiar local nature of air pollution and the importance of functional control at the appropriate community level.

Air pollution abatement proposal

I would now like to present to you a proposal for consideration. We in MCA propose the formation of a permanent national advisory committee on air pollution abatement. This committee would be tripartite in nature and might perhaps report to the President.

(1) From the Federal Government I would like to suggest the same membership that now sits on the Ad Hoc Interdepartmental Committee on Community Air Pollution which was formed last year; namely, representatives from the Departments of Interior, Commerce, Defense, Agriculture, and Health, Education, and Welfare, plus representatives of the Atomic Energy Commission and the National Science Foundation, and

(2) Selected State and city air pollution abatement specialists to represent local government, and

(3) An industry group composed of selected specialists on air pollution abatement from individual industries, professional groups, and trade associations. As I view it, no legislation would be necessary to form the committee.

With this group at the national level, the air pollution abatement effort will have a focal point. We submit that such an overall body might offer these advantages:

1. Industry support to the pollution effort could be coordinated.
2. With delegates from individual States and cities on the committee, local interests will be appropriately represented.
3. The effort of the Federal Government from both the point of view of national health and the fact that the air is a resource will find a place through which it can achieve implementation and active support.
4. Such a committee representing the best available thinking might be able to establish patterns which would serve as a guide for local regulations which might be deemed advisable.

5. Research activities could be guided with duplication reduced to a minimum.

6. Factions now existing, oftentimes at odds with each other, will have a meeting place for the settling of differences in open conference.

7. The committee would provide a vehicle not only for collection of information on the subject but also for a national public information effort.

This simple plan does not pretend to be a magna carta for air pollution abatement. Amendments to it probably occur to you immediately.

But in our considered opinion, the formation of such a national committee perhaps sitting in an advisory capacity to the President would well serve the needs of industry, the community, and the individual taxpayer.

Although it is always later than we think, and we have already seen at least one of our great cities outgrow its air supply, such a committee could, in our opinion, do much constructive work in the short as well as the long term.

One short-term objective might well be checking air pollution to such a degree that it does not increase as our population increases—this alone is a year-to-year job.

The industry I represent supports this plan in principle and we stand ready to discuss it and to take whatever steps may be necessary to help bring it to practical reality.

Thank you.

Senator KERR. What would be your remarks with respect to this pamphlet? I would suggest that you provide the committee enough copies of the pamphlet so that that would be available to the committee, and attached to the record, without being made a part of the record.

MR. PENFIELD. We will be glad to do so.

This is a quotation from the Rational Approach:

Each localized air-pollution area is unique unto itself. Atmospheric dispersion of airborne wastes depends upon air movements and topography. The waste load capacity of a given area is influenced also by the height and relative location of the various points of emission. Obviously a heavy concentration of low stacks in a narrow valley would be more likely to create an undesirable situation than would scattered tall stacks in open country, assuming the same rate and kinds of emission and comparable surroundings as to habitation, use of property, etc.

Superficial consideration of the air-pollution problem occasionally leads people to the fallacious view that the remedy is to establish concentration limits for each air contaminant at the source of emission, and apply them uniformly throughout the State or Nation. This is wrong, both technically and economically, for it would require everyone to meet the restrictions required for the worst situation. Further, concentration values alone are almost meaningless. They become significant only when used in conjunction with such factors as rate of emission, stack height, and wind velocity.

It is proper to judge air pollution only on the basis of relating air conditions at the point of contact (e. g., ground level) to effects produced by them. As technical knowledge about air pollution increases, it may become established that a certain limit of dust fall represents the tolerable level in city areas or that a certain limit of sulfur dioxide is all that specific crops can stand, etc. Information of this sort emphasizes the fundamental validity of the concept of uniqueness.

We believe that the above quotation clearly indicates why our association has always believed that air-pollution problems and their control can best be left at the local level.

With the above in mind, if there is to be legislation at this time we respectfully urge that you consider the following recommendations to modify the bill. On page 2, line 14, we think the words "and to industries" should be deleted since this phrase could be construed as financial aid in the construction of air pollution abatement facilities. We feel that this is foreign to the purpose of the bill. In this same section, 202, line 20, we urge the deletion of the word "control" since we do not think this bill intends to set up the Federal Government as a regulatory body.

In section 203 (b), on page 3, lines 7 and 8, we urge the deletion of the requirement that the Surgeon General shall encourage the enactment of uniform State laws relating to air pollution. Experience has proven that the air-pollution problems of the several States are not uniform, rather that they are of wide variety and, therefore, require differing solutions, legislatively as well as technically. Rather we would recommend a provision in section 203 (b) to encourage the exchange of information among the States in place of the enactment of uniform State laws.

We recommend the complete elimination of sections 206, 208 (a), and 208 (c). These sections relate to the establishment of an Air Pollution Control Advisory Board, provide for staffing of the Board, and for the issuance of regulations to carry out the functions. We feel that the establishment of an Air Pollution Control Advisory Board at this time would be unwise and premature. Furthermore, it appears to be foreign to the real purpose of S. 928, as it would create regulatory powers in the United States Public Health Service.

Section 202 recognizes and states that the policy of Congress is to preserve and protect the primary responsibilities and rights of the States and local governments in controlling air pollution. We do not feel that this would be accomplished by the adoption of S. 928 in its present form. I think it is apparent from remarks which I have made that our association strongly believes that with the present limited knowledge in this field the place of the Federal Government is in the field of research and not in the field of control. Our suggested amendments above are designed to eliminate any control features from the bill.

Senator KERR. Thank you very much, Mr. Penfield, for an enlightening and interesting statement.

Senator KUCHEL. I have a number of letters and statements which I wish to file in connection with the hearings on S. 928.

I want to place in the record a letter endorsing the legislation written by the mayor of Los Angeles, the Honorable Norris Poulson.

OFFICE OF THE MAYOR,
CITY HALL,
Los Angeles 12, Calif., April 22, 1955.

HON. THOMAS KUCHEL,
Senate Office Building, Washington 25, D. C.

DEAR TOM: Attached is a letter which I have written in response to your recent telegram relative to the hearings on S. 890 and S. 928 which you indicated would be held on Tuesday, April 26.

As I have already informed you by telegram, it will not be possible for me to be there in person; therefore, if you will kindly hand my letter to the chairman of the committee I shall be most grateful.

I naturally hope my letter may play a small part in apprising the other members of the committee of the seriousness of the situation which confronts us.

With best wishes, I am,

Sincerely,

NORRIS POULSON, *Mayor.*

OFFICE OF THE MAYOR,
CITY HALL,
Los Angeles 12, Calif., April 22, 1955.

HON. DENNIS CHAVEZ,
*Chairman, Senate Public Works Committee,
Senate Office Building, Washington 25, D. C.*

DEAR SENATOR CHAVEZ: Having been informed that the Senate Public Works Committee will discuss and hold hearings on S. 890 and S. 928 sometime the latter part of this month, I feel impelled to inform your committee of my feelings

in regard to these bills. Were it possible for me to do so, I would be there in person and request the privilege of appearing before you; however, owing to previous commitments I will not be able to be present.

Ever since assuming office as mayor of this city on the first of July 1953, one of my principal concerns has been the elimination from our atmosphere of the pollutants which contribute to the so-called smog which prevails in the entire Los Angeles Basin. The reasons for the smog, the contributing factors thereto, and the cures therefor are as many and varied as the individuals who daily come to my office or write to me about this very serious problem. As I am sure you realize, air pollution is not something confined to Los Angeles and environs, but is something which follows the industrial development of our great cities. The only reason in my judgment, that Los Angeles is immediately thought of when the word "smog" is mentioned, is that we have been trying to do something toward correcting the situation here for several years, while most of the large cities' action in this regard is only now beginning.

Smog is not only detrimental to health (and I will touch on this subject again later) and plantlife, but is also instrumental in the growth of slum areas wherever it exists. A former director of our planning department has stated that "of all the many conditions which tend to create slums and blighted neighborhoods, air pollution is one of the foremost. Air pollution includes such factors as smoke, dust, odors, gases, and related airborne irritants. The term "smog" is generally applied to this condition, especially in those areas, such as Los Angeles, where these irritants combine with fog to form the dirty grayish-brown mixture becoming all too familiar during certain months of the year. Air pollution is ordinarily most acute and noticeable in the areas immediately surrounding large industrial establishments, particularly those which do considerable burning in their operation and expel both smoke and gases."

I have been informed by State and county agricultural experts that the damage to crops in this and adjacent counties due to smog runs into millions of dollars per year. Incalculable damage is being done to our citrus and leaf vegetable crops. This, however, is of minor concern to me as compared to the damage smog is doing to the health of our citizens. Yesterday a prominent doctor of medicine who has been engaged in research as to the possibility of a connection between smog and lung cancer came out unequivocally and stated there is no question but that there is a definite and dangerous correlation between the two. This statement merely bears out what I have heretofore been told confidentially—that smog is extremely detrimental to health. Because of this, I cannot urge too strongly that your committee give careful and sympathetic consideration to S. 928 as it amends S. 890.

I feel it is high time for the Federal Government to take an active interest in the control of the air pollution menace which confronts every one of our large urban areas. In my opinion, if S. 928 is adopted the Secretary of Health, Education, and Welfare and the Surgeon General can, through their facilities, insure that proper research is conducted toward the eventual total elimination from the atmosphere of the pollutants which cause smog. Because of the extremely serious health hazard involved, I believe you will agree with me in feeling early and positive action is indicated.

I wish to take this opportunity to thank you and the members of your committee for having accorded me the opportunity of submitting this letter to you.

With assurance of my high regard, I am,

Sincerely,

NORRIS POULSON, *Mayor.*

Senator KUCHEL. Likewise, I want to insert in the record a letter addressed to me by the senior Senator from New York, the Honorable Irving M. Ives, favoring the legislation.

(The letter from Senator Ives is as follows:)

UNITED STATES SENATE.

Washington, D. C., April 26, 1955.

Hon. THOMAS H. KUCHEL,

Senate Office Building, Washington, D. C.

DEAR SENATOR: I am writing you in support of the general principles contained in your bill, S. 928. I firmly believe that Federal legislation and Federal resources are needed to supplement the activities of States, communities, and non-governmental organizations—including private industry—if we are to make sub-

stantial progress in maintaining the natural cleanliness and wholesomeness of the air.

I favor your bill because it provides aid and support for what I conceive to be proper functions of our Federal departments and agencies in this field; at the same time, it clearly recognizes the primary responsibilities and rights of State and local governments in regulating and controlling air pollution. Research supported by this bill would develop criteria for clean air, thus enabling State and local air-pollution-control agencies to set safe standards for allowable concentrations of pollutants consistent with health, nuisance, and property damage considerations. It would provide collateral information of much value to industry, permitting the establishment of goals toward which the development of processes and equipment for the abatement of air pollution could be directed.

While individual air-pollution problems are notably local in character, their total spread is nationwide. I am told that some 10,000 of our municipalities are affected. In my own State, for example, it was found in a recent survey that air pollution is rated a problem, major or minor, in 97 percent of the urban communities of 25,000 population or more. Most of these have air-pollution-control ordinances to enforce. The figures for rural and suburban communities having a similar population base are somewhat smaller but substantial, indicating that air pollution is a problem under these conditions as well. I am informed that most of the cities of 25,000 population or more throughout the country are making expenditures for air-pollution control and enforcement.

New York City has a legally established department of air-pollution control with an operating budget this year of \$400,000. However, we feel that an interstate problem affects this metropolis as well. This is one which the city department has been unable to correct thus far. It involves industrial air pollution arising in northern New Jersey and affecting Staten Island. We have tried to instigate joint State action by authorizing our interstate sanitation commission to survey the situation and make recommendations for control. To this end the New York State Legislature has passed a bill authorizing the expenditure of up to \$30,000 for this purpose, contingent upon the appropriation by New Jersey of a similar amount. Thus far, this has not been done. This is an actual example of a situation where Federal technical consultation and assistance, the facilities for which will be developed by this bill, would be most welcome and could be exceedingly helpful.

Finally, I should like to express my appreciation to you and the other sponsors of S. 928 in proposing this timely legislation, and to assure the members of the Senate Committee on Public Works of my hearty support of the principles of this bill.

Sincerely yours,

IRVING M. IVES.

Senator KUCHEL. Also, I want to insert a copy of a resolution adopted by the Board of Supervisors of the County of Los Angeles along the same lines.

(The referenced resolution is as follows:)

COUNTY OF LOS ANGELES,
BOARD OF SUPERVISORS,
Los Angeles, Calif., December 3, 1954.

HON. THOMAS H. KUCHEL,
*United States Senator,
Senate Office Building, Washington, D. C.*

DEAR SENATOR KUCHEL: Enclosed is a certified copy of a resolution adopted by the board of supervisors on November 30, 1954, requesting the Federal Government to provide assistance in solving problems of air pollution prevalent in the County of Los Angeles and rapidly becoming more widespread throughout the Nation.

Sincerely yours,

RAY E. LEE, *Chief Clerk.*

TUESDAY, NOVEMBER 30, 1954.

The Air Pollution Control Board of the Air Pollution Control District of the County of Los Angeles met in regular session. Present: Supervisors John Anson Ford, chairman, presiding; Herbert C. Legg, Kenneth Hahn, Burton W. Chace, and Roger W. Jessup; and Harold J. Ostly, clerk, by Ray E. Lee, deputy clerk.

In re air-pollution control: Order requesting Federal Government to provide assistance in solving certain problems of air pollution.

On motion of Supervisor Hahn, unanimously carried (Supervisor Jessup being temporarily absent), it is ordered that the Federal Government be and it is hereby requested to provide assistance in solving the following problems of air pollution:

1. Stepped-up research on the problem of air pollution coming from the automotive exhaust and production of a satisfactory control device.
2. Research on contributions of the petroleum industry to air pollution and an investigation as to possible changes in the chemical content of gasoline which would reduce greatly or eliminate this source of pollution.
3. Research on the health effects of air pollution on the human being.
4. Reiterate support of proposed Federal legislation which will enable business to more speedily amortize special expenses due to the installation of smog-controlling equipment.

I here certify that the foregoing is a full, true, and correct copy of an order which was adopted by the Air Pollution Control Board of the Air Pollution Control District of the County of Los Angeles on November 30, 1954, and entered in the minutes of said board.

[SEAL]

HAROLD J. OSTLY, *County Clerk.*
By RAY E. LEE, *Deputy Clerk.*

Senator KUCHEL. I want, also, to introduce a letter addressed to the junior Senator from California from Stafford L. Warren, dean of the School of Medicine of the University of California at Los Angeles together with the statement.

UNIVERSITY OF CALIFORNIA,

April 22, 1955.

Senator THOMAS H. KUCHEL,

United States Senate, Washington, D. C.

DEAR SENATOR KUCHEL: Attached is some background material on air pollution for your use in any way you see fit.

The problem is commonly found in industrial plants and factories manufacturing noxious or toxic materials in some step of their work in the course of which the worker is involved. When highly industrialized areas exist in certain peculiar geographic and meteorological situations, accumulations in the air of the wastes from these industries may create, from time to time, a hazard to the population.

While there are some commonly known contaminants like CO and SO₂ there are literally hundreds of simple and complex chemical substances in these pollutants. The components vary with the type of industry concentrated in a particular location and the amount of moisture, sunlight and mixing by turbulent air movements at any given time.

Furthermore, even for already known pollutants there exists very little or no precise information on the tolerance or maximal acceptable concentrations (parts per million) which could be used for the basis of firm and legal standards for community enforcement legislation.

In the field of occupational health, there exist only a little acceptable information on tolerance levels for the 8-hour working day in industry. Obviously, applying this information to a growing community problem is exceedingly difficult and fraught with error and hazard.

Therefore, in order to meet the large and complex and rather urgent problem, I believe that a balanced integrated program should be set up in several areas about the country. Through the Health, Education, and Welfare (United States Public Health Service) Council system, these should be tied in with the excellent Taft Cincinnati Laboratory which is rather a typical illustration of what is proposed.

The program should have four goals: (1) Training of skilled professional personnel for dealing with the local problem; (2) Identification of the pollutants; (3) Setting of tolerance levels or maximal acceptable concentrations of the pollutants found to be toxic to humans or agricultural products; (4) Advising both industry and local government on prevention and control.

It will take at least 10 years for such a program going full blast in about 5 places (in addition to the Taft Laboratory), to begin to make an impact on this problem. For greatest all around effectiveness and economy, each of these programs should be integrated with an existing medical school, which would be the focal point of a regional approach to the problem.

The attached material is a digest of at least 5 years of study by a group in our medical school. Construction and operating costs are included.

I hope this may be of some use to you.

Cordially,

STAFFORD L. WARREN, M. D., *Dean.*

STATEMENT OF DR. STAFFORD L. WARREN, DEAN, SCHOOL OF MEDICINE, UNIVERSITY OF CALIFORNIA AT LOS ANGELES

The rapid industrialization and urbanization of California has greatly increased the problem of adequate disposal of industrial and domestic wastes. There is a growing body of observations and measurements which indicate that the pollution and contamination of the air in our most heavily industrialized and populated areas of the State may be approaching the saturation level. (The forces of nature and human activity join in the Los Angeles basin to produce a smog chamber in which there may be a disaster-making potential.) Many unknown factors related to the identity of air pollutant elements and their sources, the toxicological and physiological effects of many materials and processes of present and future industries, and the hazard to human health and welfare, demand well-balanced research programs in the areas with the greatest air-pollution problems and risk. The available facilities for the required research, training, and demonstration are limited and most inadequate at the present time.

Many air contaminants have not been identified or quantitated. New industries with new products will add to the complexity. The interaction of chemical agents in the environment under varying meteorological conditions and the end products of such interaction require further study. Once identified, the sources of air contaminants must be found and relative contribution to air pollution evaluated. This involves research in the areas of chemistry and engineering. The problem varies geographically. While visible smoke is a problem in one area, fumes, dusts, or hydrocarbons, may be the major problem in another area. Additional reliable methods of measurements are needed and those available more widely used. The problem is very complex but may be divided roughly into two major parts: (a) engineering-chemical, (b) medical-biological. This discussion concerns mainly the medical-biological, including public health aspects.

Adequate data is lacking regarding the effects of air pollution on the health and welfare of the population. Yet this is of primary concern. There is increasing concern with a frequent and apparently increasing occurrence and aggravation of acute and chronic disease involving especially the respiratory tract, the influence on health and well-being of our aging population, mental and physical efficiency associated with the increasing number and concentration of atmospheric pollutants. Quantitative and qualitative studies of the exposed population's physical and mental reaction to air pollutants as they actually occur, considering the factors of age, sex, activity, time of exposure, length of exposure, place of exposure, previous illness and disability, present illness, and disability, and the socio-economic factors which may influence the biological reactions are required. Carefully controlled animal experimentations are necessary for determining:

1. The values of maximum permissible concentration of the known contaminants.
2. For toxicity studies and maximum permissible concentration in various combinations under varying environmental situations.
3. For toxicity studies on unknown and undetected contaminants.
4. Biological reaction in terms of pathology resulting from continuous exposure, short time high exposure, intermittent exposure by varying dosage under various environmental and atmospheric conditions. This line of investigation requires the coordinated techniques and principles of clinical and industrial medicine, toxicology, pharmacology, physiology, chemistry, pathology, epidemiology, and biostatistics.

Some of these permissible concentrations have not been determined because of lack of adequate instrumentation, including dust, fume and gas collectors and analyzers. Such instrumentations and also units for feeding constant dust and fume concentrations into testing chambers need engineering study for improvements and new designs. The maximum permissible concentration of the various contaminants must be established in order that governmental agencies may enforce legal standards with court backing. It would be much easier to legally prevent air pollution if the contaminants were proven detrimental to human health in various levels of concentration. Maximum permissible concentration of substances occurring during a manufacturing process and the chemical end product discharged from the plant and released into the atmosphere, aid the engineer in preventing or minimizing the hazards to the health of the occupation workers and surrounding population. Much of the instrumentation developed in these procedures will have practical use in the enforcement phases of control.

Many environmental factors apparently influence the concentration of air contaminants, the interaction of chemicals forming new compounds in the atmosphere, the absorption rate of substances through the respiratory tract, conjunctivas, and skin. Humidity, sunlight, air currents in relation to topography, population, and industrial concentration and their waste products must be studied. These are related to the economic and aesthetic aspect of air pollution as well as to health and welfare. Certain socioeconomic problems such as location of industries and population in the future, transportation, methods of rubbish and garbage disposal, location of hospitals and schools, and medical facilities for chronic disease and the aging population are but a few of the public health and economic problems that are facing the industrial areas. No two areas are alike, therefore, studies and programs must be conducted in the respective areas concerned. The increasing industrialization with new processes, products, and byproducts will continue to challenge the health and welfare of the worker in his occupational environment and the general population in the total community environment.

The present laboratory in Cincinnati (Taft), as excellent as it is, can only be a start in the right direction. It, however, cannot hope to more than scratch the surface of this problem in the next generation. More facilities must be developed and expanded now to develop factual understanding of the cause and effect of air contaminants in order that the release of chemicals into the atmosphere can be prevented or minimized and the health of the population maintained. Facilities

must be available for a well-balanced research program which would involve chemistry, engineering, physiology, toxicology, pathology, medicine, biostatistics, epidemiology, meteorology, and so forth. These facilities must be organized for training students in basic research, and the application of such research in prevention of pollution of natural resources affecting health such as air, water, and so forth. Such research must be conducted where the problems of air pollution are acute, chronic, and potentially increasing. They should also be so organized that trained personnel of various technical services, that is, toxicology, pathology, medicine, engineering, and epidemiology can join together on common projects. The facility and organization must be flexible in order that when one problem is solved, new ones can be quickly undertaken.

Since the problem is so great and complex, and varies a great deal in various parts of the country, it is recommended that several such facilities be geographically located for research, training, and demonstration in occupational and preventive medicine focusing initially on air pollution. For maximum economical use of existing facilities, equipment, and personnel, centers should be located in medical schools where a cadre of technically trained and experienced personnel are already available. Space should be provided by addition to existing structures to benefit from central utilities, supplies, and other services. Approximately 30,000–40,000 gross square feet are required as a minimum. At today's costs this might involve approximately \$1,750,000 for construction and approximately \$500,000 for initial complement of essential scientific equipment and supplies which are considered necessary to meet the enormous and complex problems of air pollution, industrial hazards, and industrial disease research for each center.

A somewhat detailed study of a prototype center revealed that any addition to existing structures should conform to the basic architecture and construction so that the use of central utilities and facilities could be simplified. It was also clear that in multistoried structures it was logical to align the floors of the addition to those of the parent structure by usage, thus placing pathology, toxicology, medicine, etc., in the addition on the same floor as the respective subject in the main structure. This would mean that no cut-and-dried floor plan could be used to cover all such centers. However, the study indicated that the apportionment of the usable floor space to the various types of study would remain much the same no matter what the floor plan were to be. It was also clear that common lecture and seminar rooms as well as common animal care and storage areas were advisable. It also seemed logical to provide common large areas throughout the building for the purpose of conducting the many proposed research projects. These areas are assigned to no specific group such as toxicology, pathology, and so forth, but are assigned to the specific research projects as needed and are left open with few partitions so that their use might be very flexible. In the usual structure of approximately 40,000 square feet one finds that 30 percent of this gross area is taken up by stairwells, elevators, hallways, lavatories, etc. Of the remaining 70 percent which is usable for research and teaching, the division of space would be as follows: Prototype shops working in wood, metal and plastic for the purpose of producing special instrumentation 6 percent; animal storage and care 9.2 percent; common lecture and seminar room space 4.5 percent; graduate student laboratories 6 percent; joint

project areas 21.8 percent; biophysics including electronics 4.3 percent; engineering to include prototype instrument design 6 percent; pathology (forensic) 5.7 percent; preventive medicine 5.5 percent; toxicology (forensic) 5.6 percent; industrial medicine 9.2 percent; biostatistics 5 percent; health administration 2.3 percent; health education 2.3 percent; sanitary service 2.3 percent; and epidemiology 4.3 percent.

The division of space as indicated would in practically every case bring under one roof the various specialized fields of study necessary for the study of occupational health problems and for the training of individuals in this type of career. This arrangement is also uniquely fitted to perform the much needed biomedical studies associated with air pollution.

In summary, our recommendation of several more central facilities, in addition to the Taft Laboratory at Cincinnati, located and attached to medical schools and dispersed geographically according to the need, seems most logical. Such centers would be able to concentrate initially on air pollution and to perform the fundamental biological experimentation in order to determine the possible injurious actions of air pollutants on health, their mode of action, appropriate therapeutic measures and possible medicological aspects. The centers, while not able or intended to give answers immediately are probably the most rapid means of developing basic and trustworthy answers for not only the present problems in air pollution but those which will arise in the future. These centers will also provide graduate training as well as training at all levels so that the lack of personnel in this field will be filled. A most important factor would be the cooperative effort of a number of these centers at various points throughout the country. Such cooperation and effort would soon produce results.

Senator KUCHEL. Also a statement by Harold W. Kennedy, county counsel of Los Angeles County and attorney for the Air Pollution Control District of Los Angeles County, favoring this legislation.

(The statement referred to follows:)

STATEMENT OF HAROLD W. KENNEDY, COUNTY COUNSEL OF LOS ANGELES COUNTY AND ATTORNEY FOR THE AIR POLLUTION CONTROL DISTRICT OF LOS ANGELES COUNTY, RE S. 928, HEARING OF APRIL 26, 1955

The problem of air pollution is rapidly becoming one of the most serious problems facing an urban community. In Los Angeles County the gravity of the problem is probably unparalleled. Our area has long been noted for its pleasant climate, clear skies, and natural recreation facilities. These assets have brought millions of visitors and many new residents to the region, with the result that in recent years all of California and particularly southern California has enjoyed remarkable growth in population and industry.

Unfortunately this growth has been accompanied by problems associated with large and densely settled populations, the most troublesome of which is the increase in the frequency and intensity and the unpleasant effects of the periodic phenomenon known as smog.

Air pollution throughout the Nation is receiving more attention than ever before. The problem is not easy to solve. Contaminants, their sources and respective contributions, climatic conditions, surrounding terrain, meteorological conditions—all may control an enigma peculiar to each area. Even the experts and the scientists cannot agree as to the exact identity of the pollutants or the extent of danger to the public health.

From the standpoint of the board of directors of the Los Angeles County Air Pollution Control District, it is encouraging to have it nationally recognized that there is a need for emphasizing air pollution control, that there is a great deal of work to be done along scientific lines, and that there is a tremendous need for public education as to the complexities of the problem and the support that is needed to accomplish the best results possible.

In 1946, at the request of the board of supervisors of Los Angeles County and Assemblyman A. I. Stewart of Pasadena, I had the privilege of drafting the California Air Pollution Control Act of 1947. This act was designed to provide an entire procedure and legal machinery for abating air pollution. Smog does not recognize geographical boundary lines. Consequently it was necessary that the entire county of Los Angeles, including its 46 incorporated cities, be placed under a single jurisdiction. That jurisdiction is in the air pollution control district, of which the board of supervisors is the governing body.

From the standpoint of the legal aspect, there is no question at all that under the police power, whether it be at the level of the State, the county, or the city, there is ample authority under the law to abate the air-pollution nuisance. As long ago as 1915, the Supreme Court of the United States in the case of *North-western Laundry v. City of Des Moines* (239 U. S. 486, 60 L. Ed. 396), held that if it is necessary to close down a factory in order to abate an air-pollution nuisance under the police power, it is proper to do so. Obviously in a modern community, whose very existence is dependent upon industry, the closing of industry to abate a nuisance could only be considered as a last resort. The practical approach is to set up realistic standards of compliance and through scientific research and enforcement, eliminate the nuisance.

Topographic and meteorographic conditions aggravate the effects of air pollution in the Los Angeles Basin. Over Los Angeles frequently is found a stratum of air known as the Pacific inversion layer, which is part of a gigantic atmospheric swirl extending westward as far as the Hawaiian Islands. It acts as a huge, invisible lid over the Los Angeles Basin. Smoke, fumes, dust, and gases originating anywhere in the basin are carried upward to the base of the inversion layer, where they accumulate, building up a reservoir of materials that can later produce smog. The Pacific inversion layer rises and lowers like a huge deck in response to meteorological conditions affecting it. Smog is more likely to be noticed when the layer is low.

Breezes in the Los Angeles Basin blow toward the ocean at night and toward the land in the daytime, reversing shortly after sunrise. On smoggy days the reversal adds to the turbulence caused by the vertical thermal currents and the landward breeze pushes the intensifying smog clouds into the basin. The surrounding mountains, the impermeable inversion layer, and the prevailing winds thus turn the Los Angeles Basin into a ventilation-proof box into which are pumped all the aerial sewage of the modern industrial community. At this point the term "smog" is no longer, "a nasty rumor started by tourists who insist on breathing."

Every state of matter is found in Los Angeles smog. Solid particles exist in dust, smoke, and fumes; liquids in mists and fogs; and many gaseous pollutants. Dust, fumes, smoke, peroxides, aldehydes, organic acids, sulfur dioxide, oxides of nitrogen and certain hydrocarbons are the principal ingredients of pollution in Los Angeles.

Some of the main sources of air pollution in Los Angeles County are (1) combustion of rubbish (400 tons per day); (2) automobile exhausts (1,000 tons per day); (3) evaporation of hydrocarbons from the production, manufacture, distribution, and use of petroleum products (440 tons per day). It has been estimated that a total of 2,600 tons of organic material are daily pumped into the air of Los Angeles County.

Effective measures have been taken by the air pollution control district to control the emission of pollutants to the atmosphere. Over 1,000 tons of pollutants which were formerly emitted into the air daily have been eliminated. Control devices valued in excess of \$27 million have been installed in hundreds of industrial plants. Extensive research projects have been carried on, and are continuing. In less than 1 year manpower will be increased from 126 to 200 employees, and the annual cost will soon reach \$2 million. But we still have smog.

Probably the most aggravating condition so far as elimination of air pollution is concerned is the "blessing" of phenomenal growth in population and industry. Most people are aware of our 5,000,000 residents with over 2,000,000 automobiles, each one a reasonably efficient smog generator. Population of the county has more than doubled since 1939 and is constantly increasing at the rate of about 190,000 persons per year. Industry has expanded from approximately 1,500 pollutant-producing firms in 1939 to 12,000 such establishments in 1954. In the past 5 years metropolitan Los Angeles has added what amounts to an industrial St. Louis, or an industrial Boston. In 10 years we will have an estimated population of 6,500,000 people, over 3,000,000 automobiles, and 20,000 commercial and industrial establishments. It is not surprising, therefore, that a

vigorous air-pollution control program is necessary just to keep abreast of the present situation, and that an all-out effort is required to master it.

We in the Los Angeles Basin, although tending to become smothered in our own problems, recognize that air pollution is now, or will soon become, a major problem in all large urban areas. In our own State, in the San Francisco Bay area and the county of San Diego, among others, much concern has been expressed. We are aware of the problems of New York City, Houston, Pittsburgh, Cleveland, and Cincinnati, for example. We know that air pollutants are blown across city, county, and State lines.

The total problem, costing the Nation an estimated \$1½ billion per year, will never be completely solved by the disjointed action of scattered cities, individual industries, or citizens' committees. We must have prompt, concerted, and massive action in research, information, application, and enforcement.

For these reasons, I believe that S. 928 is not only a desirable measure, but an absolute necessity if we are to ever solve the air-pollution problem. Properly implemented, it will preserve the local autonomy necessary to meet special local difficulties with tailor-made remedies. By providing financial aid and technical research and services, it can encourage local agencies to start rolling on programs, which, through inertia, or lack of funds and facilities, have so long been neglected. Through centralized research, information and direction, heavy artillery can be concentrated on the target. This is important because scattered, uncoordinated, pitifully small research projects tend to duplicate each other's work and cannot cope with the magnitude of the problems involved.

I believe that the fixing of authority in the Surgeon General will lead to efficient administration, and that the Air Pollution Control Advisory Board will provide a valuable cross section of expert advice and insure that the program will not create unnecessary problems in collateral fields.

Perhaps it is too much to expect that city dwellers in an industrial community may someday breathe air which is as pure as the water they drink. Nevertheless, I believe S. 928 can be the turning point in the continuing struggle to prevent our skies from becoming common sewers for the discharge of pollutants.

Senator KUCHEL. If there is no objection, the staff of the committee will collate the other writings that have come in on either of the two pieces of legislation and make recommendations to the Chairman as to what portions of them should be included in the hearing.

If there is nothing else to be discussed before the subcommittee, then the hearings on these two bills is now concluded.

(Thereupon, at 3:45 p. m., the hearings on S. 890 and S. 928 were concluded.)

(An additional statement received is as follows:)

THE UNITED STATES CONFERENCE OF MAYORS,
Washington 6, D. C., May 26, 1955.

CLERK, SENATE COMMITTEE ON PUBLIC WORKS,
Senate Office Building, Washington, D. C.

DEAR SIR: I submit the resolution on air pollution unanimously approved on Saturday, May 21, in New York City at the annual conference of the United States Conference of Mayors. It would be appreciated if this resolution were placed in the record of the present hearings.

I am,

Very truly yours,

PAUL V. BETTERS, *Executive Vice President.*

AIR POLLUTION

While progress has been made in certain cities, the problem of air pollution now constitutes a major challenge to municipal officials. To a great extent the definitive causes of atmospheric pollution have not been identified nor have specific solutions been fully developed. We support the pending congressional proposals for a nationwide research program to be undertaken by Federal health and other agencies. It is only through extensive research in this field that we will ultimately be able to arrive at conclusions upon which we can base effective local programs.

84TH CONGRESS
1ST SESSION

S. 928

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 1955

Mr. KUCHEL (for himself, Mr. KNOWLAND, Mr. MARTIN of Pennsylvania, and Mr. DUFF) introduced the following bill, which was read twice and referred to the Committee on Public Works

A BILL

To amend the Water Pollution Control Act in order to provide
for the control of air pollution.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Water Pollution Control Act (33 U. S. C.
4 §§ 466-466j) is amended (1) by inserting the heading
5 “TITLE I—WATER POLLUTION CONTROL” after the
6 enacting clause; (2) by deleting “That in” at the beginning
7 of the first section and inserting in lieu thereof “SECTION 1.
8 In”; (3) by deleting “this Act” or “This Act” wherever
9 appearing in such Act, except in section 12, and inserting
10 in lieu thereof “this title” or “This title” respectively; and

1 (4) inserting at the end of such Act the following new
2 title:

3 "TITLE II—AIR POLLUTION CONTROL

4 "SEC. 201. This title may be cited as the 'Air Pollution
5 Control Act of 1955'.

6 "SEC. 202. In recognition of the dangers to the public
7 health and welfare from air pollution, it is hereby declared
8 to be the policy of Congress to preserve and protect the
9 primary responsibilities and rights of the States and local
10 governments in controlling air pollution, to support and aid
11 technical research to devise and perfect methods of abating
12 such pollution, and to provide Federal technical services and
13 financial aid to State and local government air pollution
14 agencies and to industries in the formulation and execution
15 of their air pollution abatement programs. To this end, the
16 Secretary of Health, Education, and Welfare and the Surgeon
17 General of the Public Health Service (under the supervision
18 and direction of the Secretary of Health, Education, and
19 Welfare) shall have the responsibilities and authority relating
20 to air pollution control vested in them respectively by this
21 title.

22 "SEC. 203. (a) The Surgeon General shall, after careful
23 investigation and in cooperation with other Federal agencies,
24 with State and local government air pollution agencies, with
25 public and private agencies and institutions, and with indus-

1 tries involved, prepare or adopt comprehensive programs for
2 eliminating or reducing air pollution. For the purpose of
3 this subsection the Surgeon General is authorized to make
4 joint investigations with any such agencies or institutions.

5 “(b) The Surgeon General shall encourage cooperative
6 activities by State and local governments for the prevention
7 and abatement of air pollution; encourage the enactment of
8 uniform State laws relating to air pollution; collect and
9 disseminate information relating to air pollution and the
10 prevention and abatement thereof; support and aid technical
11 research by State and local government air pollution agencies,
12 public and private agencies and institutions, and individuals
13 to devise and perfect methods of preventing and abating air
14 pollution; make available to State and local government air
15 pollution agencies, public and private agencies and institu-
16 tions, industries, and individuals the results of surveys,
17 studies, investigations, research, and experiments relating to
18 air pollution and the prevention and abatement thereof con-
19 ducted by the Surgeon General and by authorized cooperating
20 agencies; and furnish such other assistance to State and
21 local government air pollution agencies, public and private
22 agencies and institutions, industries, and individuals as may
23 be authorized by law in order to carry out the policy of this
24 title.

25 “SEC. 204. The Surgeon General may, upon request of

1 any State or local government air pollution agency conduct
2 investigations and research and make surveys concerning any
3 specific problem of air pollution confronting any State, com-
4 munity, municipality, or industrial plant with a view to
5 recommending a solution of such problem.

6 “SEC. 205. The Surgeon General shall prepare and
7 publish from time to time reports of such surveys, studies,
8 investigations, research, and experiments made under the
9 authority of this title as he may consider desirable, together
10 with appropriate recommendations with regard to the control
11 of air pollution.

12 “SEC. 206. There is hereby established within the Pub-
13 lic Health Service an Air Pollution Control Advisory Board
14 (hereinafter referred to as the “Board”) to be composed as
15 follows: The Surgeon General or a sanitary engineer officer
16 designated by him, who shall be Chairman of the Board, a
17 representative of the Department of Defense, a representa-
18 tive of the Department of the Interior, a representative of
19 the Department of Agriculture, a representative of the De-
20 partment of Commerce, and a representative of the National
21 Science Foundation, designated respectively by the Secretary
22 of Defense, the Secretary of the Interior, the Secretary of
23 Agriculture, the Secretary of Commerce, and the Director
24 of the National Science Foundation; and six persons (not
25 officers or employees of the Federal Government) to be

1 appointed annually by the President. One of the persons
2 appointed by the President shall be an engineer who is an
3 expert in air pollution control and prevention, one shall
4 be a person who has shown an active interest in the field of
5 air pollution, and, except as the President may determine
6 that the purposes of this title will be promoted by different
7 representation, one shall be a person representative of State
8 government, one shall be a person representative of munici-
9 pal government, and one shall be a person representative
10 of affected industry. The members of the Board who are not
11 officers or employees of the United States shall be entitled
12 to receive compensation at a per diem rate to be fixed by the
13 Secretary of Health, Education, and Welfare, together with
14 an allowance for actual and necessary traveling and subsist-
15 ence expenses while engaged in the business of the Board.
16 It shall be the duty of the Board to review the policies and
17 programs of the Surgeon General as undertaken under au-
18 thority of this title and to make recommendations thereon in
19 reports to the Surgeon General. Such clerical and technical
20 assistance as may be necessary to discharge the duties of the
21 Board shall be provided from the personnel of the Public
22 Health Service.

23 “SEC. 207. (a) There is hereby authorized to be appro-
24 priated to the Department of Health, Education, and Wel-

1 fare for each of the five fiscal years during the period
2 beginning July 1, 1955, and ending June 30, 1960, such
3 sum as Congress may hereafter determine to be necessary
4 to enable it to carry out its functions under this title of
5 (1) making grants-in-aid to States, for expenditure by or
6 under the direction of their respective State and local gov-
7 ernment air pollution agencies, and to public and private
8 agencies and institutions and individuals, for research, train-
9 ing, and demonstration projects, and (2) contracting with
10 public and private agencies and institutions and individuals
11 for research, training, and demonstration projects. Such
12 grants-in-aid and contracts may be made without regard to
13 sections 3648 and 3709 of the Revised Statutes. Sums
14 appropriated pursuant to this subsection shall remain avail-
15 able until expended, and shall be allotted by the Surgeon
16 General in accordance with regulations prescribed by the
17 Secretary of Health, Education, and Welfare.

18 “(b) There is hereby authorized to be appropriated to
19 the Department of Health, Education, and Welfare for each
20 of the five fiscal years during the period beginning July 1,
21 1955, and ending June 30, 1960, such sum as Congress
22 may hereafter determine to be necessary to enable it to
23 carry out its remaining functions under this title.

24 “(c) There is hereby authorized to be appropriated
25 to the Department of Health, Education, and Welfare for

1 each of the five fiscal years during the period beginning July
2 1, 1955, and ending June 30, 1960, such sum as Congress
3 may determine to be necessary to enable the Secretary of
4 Health, Education, and Welfare to erect, furnish, and equip
5 such buildings and facilities as may be necessary for the use
6 of the Public Health Service in connection with the research
7 and study of air pollution and the training of personnel in
8 work related to the control of air pollution. Sums appro-
9 priated pursuant to this subsection shall remain available
10 until expended.

11 “SEC. 208. (a) Five officers may be appointed to grades
12 in the regular corps of the Public Health Service above that
13 of senior assistant, but not to a grade above that of Director,
14 to assist in carrying out the purposes of this title. Officers ap-
15 pointed pursuant to this subsection in any fiscal year shall not
16 be counted as part of the 10 per centum of the original
17 appointments authorized to be made in such year under
18 section 207 (b) of the Public Health Service Act; but they
19 shall for all other purposes be treated as though appointed
20 pursuant to such section 207 (b).

21 “(b) The Secretary of Health, Education, and Welfare
22 may, with the consent of the head of any other agency of
23 the Federal Government, utilize such officers and employees
24 of such agency as may be found necessary to assist in carry-
25 ing out the purposes of this title.

1 “(c) The Surgeon General is authorized to prescribe
2 such regulations as are necessary to carry out his functions
3 under this title.

4 “SEC. 209. When used in this title—

5 “(a) the term ‘State air pollution agency’ means the
6 State health authority, except that in the case of any State
7 in which there is a single State agency other than the State
8 health authority charged with responsibility for enforcing
9 State laws relating to the abatement of air pollution, it
10 means such other State agency;

11 “(b) the term ‘local government air pollution agency’
12 means a city or other local government health authority,
13 except that in the case of any city or other local govern-
14 ment in which there is a single agency other than the
15 health authority charged with responsibility for enforcing
16 ordinances or laws relating to the abatement of air pollu-
17 tion, it means such other agency; and

18 “(c) the term ‘State’ means a State or the District
19 of Columbia.”

A BILL

To amend the Water Pollution Control Act in order to provide for the control of air pollution.

By Mr. KUCHEL, Mr. KNOWLAND, Mr. MARTIN
of Pennsylvania, and Mr. DUFF

FEBRUARY 4, 1955

Read twice and referred to the Committee on
Public Works

The bill (S. 926) to authorize the Secretary of the Interior to construct, operate, and maintain the Ventura River reclamation project, California, introduced by Mr. KUCHEL (for himself and Mr. KNOWLAND) was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

AIR POLLUTION RESEARCH

Mr. KUCHEL. Mr. President, during recent months both the executive branch of the Government and the Senate have displayed concern about the spreading menace of air pollution throughout major cities and industrial communities of our Nation.

In his health message earlier this week, President Eisenhower called on the Congress to take early action to step up research into this problem which endangers the health and safety of millions of our citizens. Because I come from an area which regrettably has been conspicuously plagued by this exasperating phenomenon known as smog, I was greatly encouraged to hear the Chief Executive say that the Federal Government must join the fight to clean up the contaminated atmosphere in which tremendous numbers of our people live and work.

The problem of air pollution has been most dramatically brought to the attention of the people of California, and is now brought to the attention of the people of the Nation. However, the menace which smog presents to people, to growing things, and to livestock is present in many other areas and scientists have reported the threat can be found in widely separated parts of the Nation.

Many of my colleagues will recall the extremely serious seige of smog in Los Angeles last October. Photographs of the murk were published widely. None of them, no matter how graphic, could convey an idea of the extreme discomfort inflicted upon tens of thousands of residents and visitors. The condition shown in those pictures happily is a rare occurrence, yet the intensity of such attacks seems to be increasing despite bold and aggressive efforts in the metropolitan area to isolate and remove the causes.

Scientists generally agree that many factors are possible reasons for such conditions. Intensive research has been in progress for several years, but, so far, no solution has been found because the problem apparently is very complex.

The occurrence, intensity, and duration of smog unquestionably are linked with terrain and geography, weather conditions, presence of various industries, means employed to dispose of trash, volumes and movement of traffic, and many other influences.

To isolate the causes of air pollution is a momentous job. It must be done before successful countermeasures can be carried out.

The Federal Government possesses some unique, unparalleled facilities to carry on research and investigation in such fields. The know-how and techniques of such agencies as the Bureau of Standards, Bureau of Mines, Weather Bureau, and Agricultural Research Serv-

ice cannot readily be duplicated, and are not easily equaled elsewhere.

Under President Eisenhower's direction, the United States Public Health Service is expanding its studies in the field of air pollution in its effect on human health. There are many aspects of the problem which seem to require attention from other agencies of Government, however.

Because this menace is increasing in seriousness and a potential threat exists in numerous places where so far the danger has not become apparent, I have become convinced that a broad attack must be made on smog without delay. I have consulted with eminent scientists, civic leaders, and public officials in all levels of government. They invariably concur in my feeling that Federal participation is essential if any campaign to clean up the atmosphere is to succeed.

For that reason, Mr. President, I am offering a measure which would make possible a vigorous antimog program by the Federal Government. I am joined in this by my colleagues the senior Senator from California [Mr. KNOWLAND] and the Senators from Pennsylvania [Mr. MARTIN and Mr. DUFF].

I believe this proposed legislation might well be linked with the measure introduced earlier in the week by the senior Senator from Pennsylvania to make permanent and broaden the water pollution control law. It is my intention to move this air-pollution proposal as an amendment to the water-pollution legislation when the matter is considered by the Committee on Public Works.

This proposal would centralize in the Department of Health, Education, and Welfare responsibility for directing and coordinating the efforts of the Government. It embodies features found in the water-pollution law and in the statute under which the Federal Government is aiding the search for ways to convert saline water into a potable and otherwise usable fluid. The bill would authorize the intensive investigation which I firmly believe is vital, but would give an incentive to efforts of others through grants-in-aid and contracts for research projects which other agencies might be specially fitted to carry out.

The program envisioned is of modest proportions. When one considers that the danger to health and life is so great, that injurious effects of smog may reduce the production of many agricultural crops, that smog snarls traffic and deteriorates properties, the proposed expenditure is indeed conservative and well within the resources of our Government.

I earnestly request that serious and speedy attention will be given to this measure so that no more time will be lost in searching for data and methods that will bring air pollution under control.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 928) to amend the Water Pollution Control Act in order to provide for the control of air pollution, introduced by Mr. KUCHEL (for himself, Mr. KNOWLAND, Mr. MARTIN of Pennsylvania, and Mr. DUFF) was received, read twice by its title, and referred to the Committee on Public Works.

STABILIZATION OF PRICES OF MILK AND DAIRY PRODUCTS

Mr. MUNDT. Mr. President, I introduce, for appropriate reference, a bill to provide an adequate, balanced, and orderly flow of milk and dairy products in interstate and foreign commerce; to stabilize prices of milk and dairy products; to impose a stabilization fee on the marketing of milk and butterfat; and for other purposes. I ask unanimous consent that a statement, prepared by me, pertaining to the bill, be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The bill (S. 930) to provide an adequate, balanced, and orderly flow of milk and dairy products in interstate and foreign commerce; to stabilize prices of milk and dairy products; to impose a stabilization fee on the marketing of milk and butterfat; and for other purposes, introduced by Mr. MUNDT, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

The statement presented by Mr. MUNDT is as follows:

STATEMENT BY SENATOR MUNDT

The bill I am introducing would enable the more than 2 million dairy farmers of the Nation to pay for their own production, stabilization, and price-control program through a self-imposed assessment on their own milk production or butterfat production.

If enacted by Congress, the bill would take the Federal Government out of the dairy business, and would return the financing, management, and control of this great industry, which is the largest single segment of the Nation's agriculture, representing 20 percent of the national gross farm income, to the industry itself.

It seems to me that this is an objective which will not be challenged by anyone who believes in the fundamental responsibilities of a free-enterprise system.

Under the provisions of the bill, the milk-producing farmers of the Nation would elect, from their own number, 45 representatives from 15 districts, from whom the President of the United States would name 15 members to a Dairy Stabilization Board, which would administer the provisions of the bill.

The Board would have the power to purchase and hold for resale any amount of dairy products necessary to stabilize an ample dairy production to meet the needs of the Nation and to maintain, without burden to the taxpayers as a whole, an adequate price to the farmers who produce the milk. There would be no control or interference on the part of the Federal Government over the sale of dairy products to the consuming public. The Board would have the authority to push the sale of dairy products by means of education, research, publicity, advertising, and any other legitimate means.

The Board would have authority to acquire capital structure with which to launch the program and would be authorized to borrow up to \$500 million, either from the Commodity Credit Corporation or from private lending agencies. The money would be borrowed at the prevailing rate of interest on such Government financing.

Senators may recall that I sponsored similar legislation (S. 3152) during the last Congress. Two notable changes have been made in the legislation which I am now introducing.

1. Section 45, providing for a review of policies of the Board in connection with its

operations, has been added. This section is similar to the provisions of the Capper-Volstead Act and insure that the Board cannot pursue any policies which would unduly enhance the price of milk and other dairy products.

2. Section 27 provides for a Federal Dairy Advisory Committee which would act as sort of a watchdog committee and would have the authority to ask the Secretary of Agriculture for a review of the operations of the Board as provided in section 45 of this legislation.

PROPOSED LEGISLATION FOR ARMED SERVICES

Mr. RUSSELL. Mr. President, on behalf of myself, and the senior Senator from Massachusetts [Mr. SALTONSTALL], I introduce, by request, four bills relating to the Armed Services.

Three of these bills are requested by the Department of Defense and one by the Comptroller General and are accompanied by a letter of transmittal explaining the purposes of the bills.

I ask unanimous consent that the letters of transmittal be printed in the RECORD immediately following the listing of the bills.

The PRESIDENT pro tempore. The bills will be received and appropriately referred; and, without objection, the letters of transmittal will be printed in the RECORD.

The bills, introduced by Mr. RUSSELL (for himself and Mr. SALTONSTALL) (by request), were received, read twice by their titles, and referred to the Committee on Armed Services, as follows:

S. 933. A bill to facilitate the settlement of the accounts of deceased members of the uniformed services, and for other purposes. (The letter accompanying Senate bill 933 is as follows:)

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, January 27, 1955.

HON. RICHARD B. RUSSELL,
Chairman, Committee on Armed Services,
United States Senate.

DEAR MR. CHAIRMAN: Under date of July 1, 1953, the former Comptroller General transmitted to the then chairman of your committee a draft of a proposed bill to facilitate the settlement of the accounts of deceased members of the uniformed services, and for other purposes. This bill was designed to simplify the settlement of the accounts of deceased members of the uniformed services and to expedite payment of the amounts found due.

The proposed draft was introduced in the 83d Congress as S. 2311, but failed of enactment. Under date of June 22, 1954, the General Accounting Office, at the request of the Bureau of the Budget, reviewed a proposed report of the Secretary of the Army for the Department of Defense to your committee on the bill. Such report disclosed general agreement with the purposes of the legislation with certain proposed changes of a minor nature, none of which are the subject of serious objection by the General Accounting Office.

There are enclosed a copy of the draft of the bill, a copy of the letter addressed by the former Comptroller General to the then chairman of your committee under date of July 1, 1953, which letter sets forth in detail the nature of the proposed legislation and the purposes sought to be accomplished thereby, and a copy of letter of June 22, 1954, to the Director of the Bureau of the Budget expressing the views of the General Account-

ing Office on the proposed report of the Department of Defense on the bill.

It is believed that the enactment of the legislation proposed will result in an improvement in the manner of the handling of payments of the type involved, that it will facilitate such payments and will result in substantial administrative savings to the Government. Therefore, and since the several departments affected by the bill have indicated their agreement with the purposes sought to be accomplished thereby, it is recommended that the matter be given early consideration by your committee. Representatives of the General Accounting Office will, of course, be available to furnish any additional explanation or information desired by the committee.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

COMPTROLLER GENERAL OF
THE UNITED STATES,
Washington, July 1, 1953.

HON. LEVERETT SALTONSTALL,
Chairman Committee on Armed Services,
United States Senate.

MY DEAR MR. CHAIRMAN: There is enclosed for your consideration a draft of a proposed bill to facilitate the settlement of the accounts of deceased members of the uniformed services, and for other purposes, which bill is designed to simplify the settlement of the accounts of deceased members of the uniformed services, and to expedite payment of the amounts found due.

The proposed legislation is patterned after Public Law 636, 81st Congress, 64 Stat. 395, applicable to civilian officers and employees of the Government, and would authorize members of the uniformed services to designate a beneficiary or beneficiaries to receive the amount found due from the Government in the settlement of their accounts at the time of death. In the event no beneficiary is designated, payment of the amount due would be made to the member's surviving spouse; his child or children and descendants of deceased children by representation; his parents or their survivor; each class to the exclusion of the latter. If none of these relatives survive, the amount due would be payable to the legal representative of the decedent's estate or, if none, to the person determined to be entitled under the laws of descent and distribution of the decedent's domicile.

The proposed bill provides that amounts payable under the legislation would be paid by the department concerned or upon settlement by the General Accounting Office as the Comptroller General of the United States may by regulation authorize and direct. This would leave to the Comptroller General the determination by regulation of the types or classes of claims which could be paid by the service involved and those which would be settled by the General Accounting Office. Should the bill be enacted, it is contemplated that regulations would be promptly promulgated extending to the services involved the authority to pay all claims where there exists a designated beneficiary, as is now being done in the case of civilian officers and employees. It is further contemplated that consideration would be given in the future, based upon a study of the percentage of members who designate beneficiaries and of the other factors involved to authorizing the services to make payment to certain of the other classes of beneficiaries named in the bill. Payments of amounts due would be made at the direction of the service, subject to a post audit by the General Accounting Office and subject to settlement by the General Accounting Office of any disputed claims. It is the opinion of this Office that such procedure will adequately protect the interests of the

United States as well as the interests of the beneficiaries.

It has been the experience of the General Accounting Office under Public Law 636 that prompt payment has been effected by the administrative office, where a beneficiary to receive compensation has been designated under that act, without the necessity of settlement by the General Accounting Office. It is assumed that the services would by regulations and instructions insure the designation of a beneficiary by practically all service personnel. In these circumstances it is believed that payment of the accounts of practically all deceased service personnel could be promptly effected by the services, that the payments would be expedited and that substantial savings of administrative costs, both to the services and to the General Accounting Office, would result. Also, it is believed that by permitting the amounts to be paid to a designated beneficiary, there would be eliminated to a great extent the troublesome problems faced by the services and by the General Accounting Office in the "multiple widow," "foster parent," "father-desertion," and "illegitimacy," cases.

The bill provides further that designations of beneficiaries under the act and changes therein shall be made under regulations promulgated by the Secretaries of the services concerned and that such regulations shall be uniform for all services insofar as practicable. However, with certain exceptions, provision is made that any designation of beneficiary made for the purposes of any 6-month death gratuity available to the department before the effective date of the payment provisions of the proposed bill shall be considered as a designation of beneficiary for the purposes of this legislation in the absence of a specific designation of beneficiary thereunder. Since the payment provisions would not be effective until the sixth month after enactment, there would be adequate time for members so desiring to make a different designation for the purposes of this legislation.

It has been the experience of the General Accounting Office that Public Law 636 has resulted in the more prompt settlement of the accounts of deceased civilian officers and employees of the Government as well as in substantial savings of administrative costs to the agencies and to the General Accounting Office. The enactment of similar legislation for members of the uniformed services, as is here proposed, should result in similar advantages to the survivors of members of the services and to the United States.

The legislation proposed herein has been discussed informally with representatives of the Department of Defense, and it is believed that it meets generally with their approval.

I believe that the enactment of the legislation proposed will result in an improvement in the manner of the handling of payments of the type involved, that it will facilitate such payments, and will result in substantial administrative savings to the Government. I, therefore, recommend that the matter be given early consideration by your committee, and would appreciate an opportunity for representatives of the General Accounting Office to appear to furnish any additional explanation or information desired by the committee.

Sincerely yours,

LINDSAY C. WARREN,
Comptroller General
of the United States.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, June 22, 1954.

HON. ROWLAND R. HUGHES,
Director, Bureau of the Budget.

DEAR MR. HUGHES: Reference is made to letter dated June 4, 1954, from the Assistant Director, Legislative Reference, Bureau of

5. ROADS. The Public Works Committee reported without amendment H. R. 5923, to authorize appropriations for completion of the Inter-American Highway (H.Rept. 611) (p. 5837).
6. FARM LABOR. The Agriculture Committee voted to report H. R. 3822, extending for $3\frac{1}{2}$ years (until June 30, 1959), the program of recruitment of agricultural workers from Mexico (p. D453).
7. ORGANIZATION. Rep. Patman discussed and criticized certain recommendations of the Hoover Commission, especially those relating to veterans and their dependents (pp. 5821-3).
8. BANKING AND CURRENCY. The Banking and Currency Committee reported without amendment H. R. 6227, to provide for the control and regulation of bank holding companies (H. Rept. 609) (p. 5837).
9. ELECTRIFICATION; LANDS. Both Houses received Hawaiian Legislature resolutions requesting REA to investigate the possibility of setting up a rural-electrification cooperative to serve certain areas in Hawaii, and urging the amendment of certain patents of Government lands containing restrictions as to the use of such lands (pp. 5837, 5742).

SENATE

10. ROADS. Continued debate on S. 1048, to authorize appropriations for continuing the construction of highways. Agreed to the committee amendments en bloc. Sen. Martin submitted an amendment in the nature of a substitute which was still pending at recess. (pp. 5754-92, 5795-5809.)
11. SECOND URGENT DEFICIENCY APPROPRIATIONS, 1955. The appropriations Committee/
amendment this measure, H. J. Res. 310, which provides funds for VA readjustment loans and the Hoover Commission (S. Rept. 371) (pp. 5744, 5792).
reported without
12. BOUNDARY FENCE. The Interior and Insular Affairs Committee reported without amendment S. 76, authorizing appropriations for the construction, operation, and maintenance of the Mexican western land boundary fence project (S. Rept. 373), and Sen. Goldwater's name was added as co-sponsor of the bill (p. 5745).
13. FOREST LANDS. The Interior and Insular Affairs Committee reported with amendments S. 55, to authorize the United States to buy lands in the Coconino and Sitgreaves National Forests from the Aztec Land and Cattle Co., Ltd. (S. Rept. 369) (p. 5744).
14. SALT-WATER RESEARCH. The Interior and Insular Affairs Committee reported with amendments S. 516, extending the program of research in the development and utilization of saline waters (S. Rept. 370) (p. 5744).
15. FLOOD CONTROL. Sen. Fulbright inserted a resolution adopted by the Arkansas General Assembly petitioning Congress to provide funds for the construction of the Greer's Ferry project on the White River in Arkansas (p. 5743).
16. AIR POLLUTION. The Public Works Committee ordered reported with amendments S. 928, to amend the Water Pollution Control Act to provide for the control of air pollution (p. D452).
17. LEGISLATIVE PROGRAM as announced by Sen. Johnson: Today the Senate will vote on the postal-pay bill and then will resume debate on the road bill. It is

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued May 24, 1955
For actions of May 23, 1955
84th-1st, No. 85

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HIGHLIGHTS: Senate committee reported Mexican fence bill and salt-water research bill. Senate debated road bill. House agreed to conference report on Treasury-Post Office appropriation bill and to Senate amendments to bill to provide additional surplus property for education and health agencies. Both bills ready for President. House Rules Committee cleared bills for loans to small reclamation projects and for donations of surplus commodities. House committee ordered reported Mexican farm labor bill. President approved agricultural appropriation bill and bill to repeal ACP tie-in with acreage allotments.

HOUSE

1. APPROPRIATIONS. Agreed to the conference report on H. R. 4876, the Treasury-Post Office appropriation bill for 1956 (pp. 5812-3). This bill will now be sent to the President.
2. RECLAMATION. The Rules Committee reported a resolution for consideration of H. R. 5881, to provide for Federal cooperation in non-Federal projects and for participation by non-Federal agencies in Federal projects (pp. 5814, 5837).
Reps. Holifield and Dawson (Utah) discussed the proposed upper Colorado River project and some of the effects it would have on agriculture (pp. 5825-8).
3. SURPLUS COMMODITIES. The Rules Committee reported a resolution for consideration of H. R. 2851, to authorize CCC to process food commodities for donation to the needy through HEW (pp. 5821, 5837).
4. SURPLUS PROPERTY. Concurred in Senate amendments to H. R. 3322, to amend the Federal Property and Administrative Services Act of 1949 so as to improve the administration of the program for the utilization of surplus property for educational and public health purposes (pp. 5813-4). This bill will now be sent to the President.

PROVIDING FOR RESEARCH AND TECHNICAL ASSIST- ANCE RELATING TO AIR-POLLUTION CONTROL

MAY 27 (legislative day, MAY 2), 1955.—Filed under authority of the order of the Senate of May 27 (legislative day, May 2), 1955 with amendments, and ordered to be printed

Mr. CHAVEZ, from the Committee on Public Works, submitted the following

R E P O R T

[To accompany S. 928]

The Committee on Public Works, to whom was referred the bill (S. 928) to amend the Water Pollution Control Act in order to provide for the control of air pollution, having considered the same, report favorably thereon with amendment and recommends that the bill, as amended, do pass.

The amendments are indicated in the bill as reported by line type and italics. The title of the bill has been amended to conform to changes in language and to make clear the objectives of this measure.

PURPOSE OF THE BILL AS AMENDED

Within recent years it has become increasingly evident that the health, comfort, and well-being of our people in many parts of the country are affected by contamination of the atmosphere in which they live. There is acknowledged need to determine the causes of air pollution, the meteorological factors and chemical elements involved, the effects, and possible preventive measures.

The purpose of this bill is to authorize the Department of Health, Education, and Welfare, through the United States Public Health Service, to utilize the resources of the Federal Government and to cooperate with State and local governments and educational institutions in the preparation and execution of programs of research into the problem of air contamination. The bill will make possible technical and financial aid for joint efforts and provides for the collection and dissemination of information which would be valuable to local agencies striving to abate pollution of the atmosphere.

NEED FOR SUCH LEGISLATION

There is no doubt that the emission of fumes and particles into the air above heavily populated communities and industrial centers is causing a condition described in a variety of terms, including "smog" and "smaze."

While a few areas have attracted unusual attention because of air contamination the problem is rapidly becoming serious and causing alarm in many places. Tragic results have followed unexplained occurrences of fumes, fog, and murkiness in the past, as in the Meuse Valley in Belgium, in London, in Donora, Pa., and in Poza Rica, Mexico, during present history.

Considerable publicity has been given to "smog" sieges in Los Angeles and public officials have indicated fear that like conditions may be developing in such widely separated cities as New York and Cleveland.

Commendable efforts are being made in many communities to isolate the causes of air contamination and bring about control for protection of our people. However, the work underway at present is largely uncoordinated and in need of both acceleration and technical assistance. A solution of the problem is delayed by inadequate observations, insufficient exchange of data, and limited know-how, facilities, and funds.

FEDERAL ASSISTANCE POSSIBLE

There are a number of Federal agencies particularly qualified and equipped to conduct research into the problem of air pollution. Among these are the Weather Bureau, the Bureau of Mines, the Bureau of Standards, the National Institutes of Health, the Agricultural Research Service, and the Atomic Energy Commission.

It is the opinion of the committee that the Department of Health, Education, and Welfare can best coordinate efforts of Federal agencies and cooperate with and aid other bodies, State and local, public and private, in formulating and carrying out research programs directed toward abatement of air pollution.

The laboratories of the Federal Government, the testing techniques, the records of weather conditions, the trained personnel, and the apparatus and equipment now in existence cannot be duplicated easily, quickly, or economically by any non-Federal agency seeking to counteract the air contamination menace.

Consequently, it is the opinion of the committee that the Federal Government should employ its resources to further the attack against pollution of the atmosphere.

EXPLANATION OF THE BILL

It is the opinion of the committee that considerable time may be needed to produce useful results. Therefore, this bill authorizes a 5-year program of research and cooperation. A lesser period would be insufficient to test theories and make painstaking studies. In the opinion of the committee, authorization for Federal participation in the field of air-pollution research is of such great importance as to justify a specific authorizing statute.

The bill would authorize an annual appropriation, beginning July 1, 1955, and continuing until June 30, 1960, in an amount not to exceed \$3 million annually, for expenditure by the Secretary of Health, Education, and Welfare to carry on these functions. The money would be available for technical services by other Federal departments or agencies whose facilities and personnel are employed in the program, and for grants-in-aid to State and local governmental bodies and public and private educational institutions engaged in attempting to solve the air-pollution problem through research.

The grants-in-aid would be provided through agreements whereby qualified and experienced groups would undertake investigations and experiments and would make available to the entire Nation the benefits of their work.

The bill provides for a close integration of effort through an advisory body which would evaluate suggestions about research projects and provide a clearinghouse for data presently available. The Commission would include both representatives of the Federal Government and non-Federal members whose responsibilities, experience, and interest make them particularly qualified to give counsel and guidance. The President would have the right to select individuals from scientific circles, from industries that might be most concerned, or from the public at large.

REASONS FOR ACTION

The President has recognized the serious nature of the air-pollution problem on several occasions. Already he has created an ad hoc Advisory Committee on Community Air Pollution to canvass the facilities of the Federal Government which might be utilized in attacking it. In his state of the Union message last January he said he would call on Congress to take appropriate action against this menace. In his special health message, he stated:

As a result of industrial growth and urban development, the atmosphere over some population centers may be approaching the limit of its ability to absorb air pollutants with safety to health. I am recommending an increased appropriation to the Public Health Service for studies seeking necessary scientific data and more effective methods of control.

Thus the proposed measure will carry out recommendations from many sources. During the hearings, the committee received testimony in support of the bill from representatives of communities and local governments in all parts of the Nation. The legislation has been endorsed by the American Medical Association, the American Municipal Association, and representatives of county governments.

The committee recognizes that it is the primary responsibility of State and local governments to prevent air pollution. The bill does not propose any exercise of police power by the Federal Government and no provision in it invades the sovereignty of States, counties, or cities. There is no attempt to impose standards of purity.

At the same time, the program which would be made possible by this legislation should stimulate State and local agencies as well as aid them in dealing with phases of the problem with which they are most immediately concerned. The problem of research into the causes and ultimate elimination of air pollution is so complex and vast that it is not realistic to expect a solution through uncoordinated efforts of a multitude of agencies.

Reports from the Department of Health, Education, and Welfare, the Bureau of the Budget, Department of the Air Force, and the Department of Agriculture, commenting on the provisions of S. 928 as introduced, are as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D. C., April 21, 1955.

Hon. DENNIS CHAVEZ,
Chairman, Committee on Public Works,
United States Senate.

DEAR MR. CHAIRMAN: This letter is in response to your request of February 4, 1955, for a report on S. 928, a bill to amend the Water Pollution Control Act in order to provide for the control of air pollution.

The bill would add to the Water Pollution Control Act a new title on air-pollution control. The new title would state the Federal policy to be to preserve and protect the primary responsibilities and rights of the States and local government in controlling air pollution, to support and aid technical research on methods of air-pollution abatement, and to provide technical services and financial aid to States, local governments, and industries in the formulation and execution of air-pollution abatement programs. The Surgeon General would be directed to prepare or adopt comprehensive programs for air-pollution control and authorized to encourage cooperative activities by State and local governments, encourage the enactment of uniform State laws, collect and disseminate information, support and aid (through grants, contracts, and otherwise) research, training, and demonstration projects by non-Federal agencies, and furnish other assistance as appropriate in relation to the control of air pollution.

The bill would authorize appropriations for these various activities for the 5 fiscal years beginning July 1, 1955, and ending June 30, 1960.

Within recent years, evidence has increased rapidly that air pollution is adversely affecting the health and welfare of the population in many urban and industrialized communities. The publicity given to certain areas in which the problems have become critical only highlights a more general condition in many urban areas of our country. While considerable success has been attained by municipalities in the control of smoke discharges, the general problem of air pollution due to other forms of particulate matter, vapors, and gases has increased in severity with the growth and greater technical complexity of economic and community activities. The control of air pollution is hampered by inadequate scientific knowledge concerning the production, nature, interactions, effects, and atmospheric dispersal of air pollutants and by lack of available control procedures in some cases.

There is, in our opinion, no question as to the desirability of legislation such as that proposed by S. 928 to authorize a Federal program of broad research and technical assistance on air pollution problems. The Public Health Service is currently conducting and supporting air-pollution research under existing authorizations relating to health. There is need, however, for a broader legislative authorization to encompass related community aspects of air pollution, and need for future expansion of research and studies to overcome the deficiencies in technical knowledge required for effective control efforts.

The 5-year period authorized in the bill for the conduct of the program is considered a minimum for the production of major research findings. Some useful results should be obtained in a briefer time; other studies, such as those related to chronic health effects of air pollutants, are expected to require longer than a 5-year period. We believe that at least 2 years' concentrated effort will be required to build up to the desirable level of research activity after availability of initial appropriation. Thus, while it is not considered feasible to accomplish the entire objectives of the bill within the 5-year period of program authorized, the time limitation may serve a useful purpose in providing the occasion for a reappraisal of program toward the close of the 5-year period.

A number of Federal agencies now have responsibilities related to air pollution but not directly concerned with a program designed to extend technical assistance to States and local agencies for air-pollution control. These include the responsibility of the Department of Agriculture for advice to farmers as to methods for overcoming the effects of air pollutants on crops and livestock, the responsibility of the Department of the Interior concerning health and safety conditions in coal mines, and the responsibility of the Atomic Energy Commission, the Department of Defense and other Federal agencies operating or controlling industrial establishments to control the emission of pollutants therefrom. It is assumed

that this bill does not intend to limit or supersede such existing responsibilities, and the addition of a specific saving clause to this effect would be appropriate.

Several other Federal agencies have facilities and competences which should be used, rather than duplicated, in a comprehensive research program on air pollution. These include the United States Weather Bureau, Department of Commerce, with its extensive facilities for meteorological observations and studies, and the Bureau of Mines, Department of the Interior, with its long background of studies on the efficiency of combustion of fuels. If given the responsibilities proposed in this bill, this Department would consider it desirable to use, under the provisions of the Economy Act, the services of other Federal agencies to the fullest extent feasible and appropriate. Therefore, since the provision in section 208 (b), authorizing the use of officers and employees of other Federal agencies to assist in carrying out the purposes of the bill would appear to be restrictive, we believe that it should be deleted.

To provide a close relationship with the other agencies, the organization of an interdepartmental advisory committee, with initial membership consisting of representatives of the Federal agencies named in section 206 of the new title proposed by the bill plus the Atomic Energy Commission, to assist in program planning and cooperative action would be highly desirable. However, we believe that membership on such an interdepartmental committee should not be rigidly specified in law and that the committee can best be established by executive action. Such an interdepartmental committee is now functioning on an ad hoc basis and its role can be enlarged and strengthened upon passage of this legislation.

We would therefore suggest the deletion of the provision in section 206 for the establishment of an Air Pollution Control Advisory Board. The proposed interdepartmental advisory committee would fulfill many of the functions of such a Board. Moreover, unlike the water-pollution field in which a similar board now exists, instances of troublesome interstate air pollution are few in number and no Federal legal control over interstate air pollution is currently proposed. It is believed that the functions to be provided by the non-Federal representatives on the Board can be furnished through the services of selected consultants.

We question the desirability of extending financial aid to industries in the formulation and execution of their pollution abatement programs as provided in the "general purpose" section of the bill (sec. 202) and note that no substantive provisions are included to implement his purpose.

The reference to grants-in-aid to States at the beginning of clause (1) of section 207 (2) of the proposed new title is somewhat ambiguous and may be construed to authorize formula grants to States for purposes other than research, training, and demonstration projects. We recommend that this reference be deleted. The general authorization for grants to and contracts with public (which would include "States") and private agencies, institutions, and individuals for research, training, and demonstration projects is adequate and more descriptive of the project grant type of authority which is desirable in this area at this time.

We also believe that specific language authorizing the Public Health Service to engage directly in research on air-pollution problems should be included as well as supporting research by other organizations, in order to make entirely clear the authority of the Public Health Service to conduct research in all the community aspects of air pollution.

Many problems of community air pollution are of local character with pollutants consequently affecting only the localities in which they arise. In other cases, larger or regional areas may be affected. We would suggest, therefore, that the authorization for preparing or adopting comprehensive programs be made permissive rather than mandatory in order to obtain the flexibility of operations desirable.

This Department has no current plans for additional buildings and facilities as included in section 207 (c) of the new title. However, in view of the complex nature of community air pollution and the possibility of development of unforeseen problems and of promising research leads which would require the use of facilities not now available, it is suggested that the authorization remain in the bill with the authority broadened to permit acquisition by other means as well as by new construction.

The provision in section 208 (a) of the proposed new title, for the appointment of five officers in the regular corps of the Public Health Service above the grade of senior assistant is not necessary, in view of existing authorizations which would permit the appointment of officers required in conducting an air-pollution program.

In summary, this Department is in agreement with the objectives of this bill and with the proposal for a comprehensive program of research, technical assistance, and necessary financial aid on the problems of community air-pollution control. We recommend modification in certain sections of the proposed new title on air pollution as follows:

1. Addition of a provision that the act would not supersede or limit existing provisions of law pertaining to air pollution.
2. Deletion of section 208 (b) which would restrict the use of services of other Federal agencies to utilization of their officers and employees on a loan basis.
3. Deletion of the provision in section 206 which would establish an Air Pollution Control Advisory Board.
4. Deletion of the provision for financial assistance to industries included in section 202.
5. Clarification of section 207 (a) to authorize grants to States only on a project basis, the same as to other agencies, institutions, and individuals, for research, training, and demonstrations.
6. Addition of a provision to authorize the Surgeon General to conduct research and studies relating to air pollution and its prevention and abatement.
7. Permissive authorization rather than mandatory direction in section 203 (a) for the Surgeon General to prepare or adopt comprehensive programs for eliminating or reducing air pollution.
8. Deletion of the provision for five additional officers in the regular corps of the Public Health Service.

We would recommend the enactment by the Congress of this legislation, modified as suggested above.

The Bureau of the Budget advises that it perceives no objection to the submission of this report to your committee.

Sincerely yours,

OVETA CULP HOBBY, *Secretary.*

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D. C., April 21, 1955.

Hon. DENNIS CHAVEZ,
*Chairman, Committee on Public Works,
United States Senate, Washington 25, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your letter of February 5, 1955, requesting the views of the Bureau of the Budget on S. 928, a bill to amend the Water Pollution Control Act in order to provide for the control of air pollution.

This bill would amend the Water Pollution Control Act by adding a new title on air pollution. The bill defines the Federal policy of supporting the primary responsibilities of the State and local governments in controlling air pollution. To this end the proposed legislation authorizes the Secretary of Health, Education, and Welfare and the Surgeon General to support and aid technical research on methods of air-pollution abatement and to provide technical assistance and financial aid to States, local governments, and industries in the formulation and execution of abatement programs. The bill would further direct the Surgeon General to prepare or adopt comprehensive air-pollution control programs. In addition, the Surgeon General is authorized to encourage cooperative activities with State and local governments, to encourage the enactment of uniform State laws, collect and disseminate information, and render other appropriate assistance. The bill also authorizes the support of research, training, and demonstration projects by non-Federal agencies through grants and contracts. Appropriations for the foregoing activities are authorized for a 5-year period commencing July 1, 1955.

It is recognized that the primary responsibility for the conduct of air-pollution abatement programs rests with the States and local governments. The role of the Federal Government has been and should be concerned primarily with the research effort seeking necessary scientific data and more effective methods of control. In support of this role, the President, in his budget, recommended increased funds for the Public Health Service for research into the health aspects of the air-pollution problem. To the extent that the subject bill would strengthen this policy by providing broader research authority and by providing for increased cooperation between the Federal Government and State and local authorities the Bureau of the Budget believes its enactment would aid in solving problems of air pollution.

The purpose of the bill as set forth in section 202 infers the need for providing financial aid to States, local governments, and industries in the formulation and execution of air-pollution abatement programs. It is our understanding that the presently foreseen need in the area of air pollution is to make available only technical assistance in the formulation of programs and therefore, it is recommended that this section be modified accordingly. Consistent with this approach it is also recommended that section 207 (a) (1) which appears to authorize general grants-in-aid for operation be deleted and that section 207 (a) (2) be broadened to authorize grants for research.

It is noted that the report of the Secretary of Health, Education, and Welfare on this bill recommends deletion of section 206, which provides for the establishment of an Air Pollution Control Advisory Board. We concur in this recommendation. While there is a need for overall coordination of efforts, it is believed that this may best be accomplished administratively with sufficient flexibility to meet changing situations.

Section 203 makes mandatory the requirement that the Surgeon General prepare or adopt comprehensive programs for eliminating air pollution. We agree with the comments of the Secretary of Health, Education, and Welfare that this provision be made permissive. Further it is believed that in keeping with the Federal function, the Surgeon General should be authorized only to recommend programs for pollution abatement.

For technical reasons deletion of section 208 (a) providing for appointment of certain commissioned officers, which authority already exists, and section 208 (b), providing for utilization of employees of other agencies, a provision more broadly covered under the Economy Act, is also recommended.

The authority contained in section 207 (c) for the erection of buildings to carry out the purposes of the proposed legislation should, as proposed in the Secretary's report, be revised to permit the acquisition of required facilities by such means as may be practicable. It is noted that both subsections 207 (a) and (c) authorize appropriations which would remain available until expended. This Bureau believes that appropriations for the activities proposed in this measure should be treated in the same manner as those of similar activities for which annual appropriations are authorized. Should the need for construction funds arise, appropriation language could provide for extended availability.

In general the Bureau of the Budget is in agreement with the objectives of this bill and, subject to the modifications noted above, there would be no objection to enactment of S. 928.

Sincerely yours,

DONALD R. BELCHER,
Assistant Director.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, April 27, 1955.

HON. DENNIS CHAVEZ,
*Chairman, Committee on Public Works,
United States Senate.*

DEAR MR. CHAIRMAN: I refer to your request to the Secretary of Defense for the views of the Department of Defense with respect to S. 928, 84th Congress, a bill to amend the Water Pollution Control Act in order to provide for the control of air pollution. The Secretary of Defense has delegated to this Department the responsibility for expressing the views of the Department of Defense.

This bill would establish the policy of Congress toward the control of air pollution. Provision is made for the use of Federal technical services and the giving of financial aid to State and local government air-pollution agencies in the formulation and execution of their air-pollution abatement programs. The bill vests authority and responsibility in the Secretary of Health, Education, and Welfare and Surgeon General of the Public Health Service, respectively, for implementation of Federal support.

The Department of Defense recognizes the danger to public health and welfare from air pollution and will support air-pollution abatement programs to the fullest extent commensurate with military security. To this end, the Department will cooperate in providing unclassified results of research which may be applicable and of benefit in the general control of air pollution. Inasmuch as the declaration of the responsibilities and rights of the States and local governments in controlling air pollution might carry the implication that the States and local governments can thereby control or deny the conduct of military research, devel-

opment, tests, and operations, it is believed that the legislative history of this bill should clearly show that nothing therein is intended to control or prevent activities which the military services consider necessary for the national defense. Subject to the foregoing, the Department of Defense interposes no objection to the enactment of S. 928.

The Department of Defense is unable to estimate the fiscal effects of this bill.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

HAROLD E. TALBOTT.

DEPARTMENT OF AGRICULTURE,
Washington, D. C., May 26, 1955.

HON. DENNIS CHAVEZ,
*Chairman, Committee on Public Works,
United States Senate.*

DEAR SENATOR CHAVEZ: This is in reply to your request of February 5, 1955, for a report on S. 928, a bill To amend the Water Pollution Control Act in order to provide for the control of air pollution.

In general, the Department is in agreement with the objectives of this bill and, subject to the suggested changes noted below, there would be no objection to the enactment of S. 928.

The bill would amend the Water Pollution Control Act as a means of providing for the control of air pollution by placing the existing provisions of that act under a title I—water-pollution control, and placing the air pollution provisions under a title II—air pollution control. Title II would vest in the Secretary of Health, Education, and Welfare and the Surgeon General of the Public Health Service responsibility and authority relating to air-pollution control and specify various actions to be undertaken to achieve the objectives of the act. It would establish within the Public Health Service an Air Pollution Advisory Board, one member of which would be a representative of the Department of Agriculture designated by the Secretary.

The Department of Agriculture has a general interest in community air pollution to the extent that individuals who produce, handle, process, and market farm products, and the animals and plants upon which this country depends for food, fiber, and other agricultural materials, are affected adversely by air pollutants. Adverse effects include not only the impairment of health and comfort but the retardation of normal growth and development, and changes in the constitution of animals or plant products rendering them toxic, distasteful, or otherwise unfit for human consumption or other purposes for which they were produced. When air pollutants produce damaging agricultural effects, it becomes a concern of the Department of Agriculture to ascertain the nature of the damage, to assess its seriousness, and to seek means for eliminating or controlling it.

It is recommended that section 206, which provides for the establishment of an Air Pollution Control Advisory Board, be deleted. We are of the opinion that federally supported community air-pollution activities should receive leadership from a single department, assisted by an interdepartmental advisory committee. The Department of Health, Education, and Welfare is the most logical agency to assume this role because of its concern in the problem and its established Federal-State relations for dealing with health matters. Safeguarding the public health is the most compelling reason for extending Federal assistance on community air pollution, although economic losses and nuisance considerations also are important in the total problem. While several other departments are interested and should aid in any Federal program, the greatest portion of the work will be in the Public Health Service, Department of Health, Education, and Welfare. Leadership by one department makes possible the coordination necessary in an overall program while utilizing the competencies of other agencies to the maximum extent feasible and appropriate.

Section 202 infers the need for providing financial aid to States, local governments, and industries in the formulation and execution of air-pollution abatement programs. We are of the opinion that the general role of the Federal Government should be to provide supplementary support and assistance to State, local, and other agencies, including private organizations, in technical and operational prob-

lems. This would include, among others, research and development by Federal departments and agencies and the support of these activities through other qualified organizations or individuals in the field of community air pollution, thus producing new information concerning the production, nature, effects, and control of air pollutants. For this reason it is also recommended that section 207 (a) 1, which appears to authorize general grants-in-aid for operation, be deleted and that section 207 (a) 2 be broadened to authorize grants for research.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE, *Acting Secretary.*

○

84TH CONGRESS
1ST SESSION

S. 928

[Report No. 389]

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 1955

Mr. KUCHEL (for himself, Mr. KNOWLAND, Mr. MARTIN of Pennsylvania, Mr. DUFF, and Mr. CAPEHART) introduced the following bill; which was read twice and referred to the Committee on Public Works

MAY 27 (legislative day, MAY 2), 1955

Reported, under authority of the order of the Senate of May 27 (legislative day, May 2), 1955, by Mr. CHAVEZ, with amendments

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend the Water Pollution Control Act in order to provide
for the control of air pollution.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Water Pollution Control Act (~~33 U. S. C.~~
4 ~~§§ 466-466j~~) is amended (1) by inserting the heading
5 “TITLE I—WATER POLLUTION CONTROL” after the
6 enacting clause; (2) by deleting “That in” at the beginning
7 of the first section and inserting in lieu thereof “SECTION 1.
8 In”; (3) by deleting “this Act” or “This Act” wherever
9 appearing in such Act, except in section 12; and inserting
10 in lieu thereof “this title” or “This title” respectively; and

1 ~~(4)~~ inserting at the end of such Act the following new
 2 title:

3 “TITLE II—AIR POLLUTION CONTROL

4 “SEC. 201. This title may be cited as the ‘Air Pollution
 5 Control Act of 1955’.

6 “SEC. 202. ~~In~~ *That in* recognition of the dangers to the
 7 public health and welfare from air pollution, it is hereby
 8 declared to be the policy of Congress to preserve and protect
 9 the primary responsibilities and rights of the States and local
 10 governments in controlling air pollution, to support and aid
 11 technical research to devise and ~~perfect~~ *develop* methods of
 12 abating such pollution, and to provide Federal technical
 13 services and financial aid to State and local government air
 14 pollution *control* agencies and ~~to industries public or private~~
 15 *educational institutions* in the formulation and execution of
 16 their air pollution abatement *research* programs. To this
 17 end, the Secretary of Health, Education, and Welfare and
 18 the Surgeon General of the Public Health Service (under
 19 the supervision and direction of the Secretary of Health,
 20 Education, and Welfare) shall have the ~~responsibilities and~~
 21 authority relating to air pollution control vested in them
 22 respectively by this title.

23 “~~SEC. 203.~~ SEC. 2. (a) The Surgeon General ~~shall,~~ is
 24 *authorized and directed* after careful investigation and in
 25 cooperation with other Federal agencies, with State and local

1 government air pollution *control* agencies, with public and
2 private agencies and *educational* institutions, and with indus-
3 tries involved, to prepare or adopt comprehensive *recommend*
4 *research* programs for eliminating or reducing air pollution.
5 For the purpose of this subsection the Surgeon General is
6 authorized to make joint investigations with any such agencies
7 or institutions.

8 “~~(b)~~ (b) The Surgeon General ~~shall~~ *may* encourage co-
9 operative activities by State and local governments for the
10 prevention and abatement of air pollution; ~~encourage the~~
11 ~~enactment of uniform State laws relating to air pollution;~~
12 collect and disseminate information relating to air pollution
13 and the prevention and abatement thereof; support and aid
14 technical research by State and local government air pollu-
15 tion *control* agencies, public and private agencies and *edu-*
16 *cational* institutions, and individuals to devise and perfect
17 *develop* methods of preventing and abating air pollution;
18 make available to State and local government air pollution
19 *control* agencies, public and private agencies and *educational*
20 institutions, industries, and individuals the results of surveys,
21 studies, investigations, research, and experiments relating to
22 air pollution and the prevention and abatement thereof con-
23 ducted by the Surgeon General and by authorized cooperat-
24 ing agencies; and furnish such other assistance to State and
25 local government air pollution *control* agencies, public and

1 private agencies and educational institutions, industries, and
 2 individuals as may be authorized by law in order to carry
 3 out the policy of this ~~title~~. *Act*.

4 ~~“SEC. 204.~~ *SEC. 3.* The Surgeon General may, upon
 5 request of any State or local government air pollution
 6 *control* agency conduct investigations and reseach and make
 7 surveys concerning any specific problem of air pollution
 8 confronting any State, community, municipality, or indus-
 9 ~~trial plant~~ such State or local government air pollution con-
 10 *trol agency* with a view to recommending a solution of such
 11 problem.

12 ~~“SEC. 205.~~ *SEC. 4.* The Surgeon General shall prepare
 13 and publish from time to time reports of such surveys,
 14 studies, investigations, research, and experiments made under
 15 the authority of this title as he may consider desirable,
 16 together with appropriate recommendations with regard to
 17 the control of air pollution.

18 ~~“SEC. 206.~~ *SEC. 5.* There is hereby established within
 19 the Public Health Service an Air Pollution Control Ad-
 20 visory Board (hereinafter referred to as the “Board”) to be
 21 composed as follows: The Surgeon General or a sanitary
 22 engineer officer designated by him, who shall be Chairman
 23 of the Board, a representative of the Department of De-
 24 fense, a representative of the Department of the Interior,
 25 a representative of the Department of Agriculture, a repre-

1 sentative of the Department of Commerce, *a representative*
2 *of the Atomic Energy Commission*, and a representative of
3 the National Science Foundation, designated respectively
4 by the Secretary of Defense, the Secretary of the Interior,
5 the Secretary of Agriculture, the Secretary of Commerce, *the*
6 *Chairman of the Atomic Energy Commission*, and the Di-
7 rector of the National Science Foundation; and ~~six~~ *eight*
8 persons (not officers or employees of the Federal Govern-
9 ment) to be appointed annually by the President. One of
10 the persons appointed by the President shall be an engineer
11 who is an expert in air pollution control and prevention, one
12 shall be a person who has shown an active interest in the
13 field of air pollution, and, except, as the President may
14 determine that the purposes of this title will be promoted
15 by different representation, one shall be a person repre-
16 sentative of State government, one shall be a person repre-
17 sentative of municipal government, and one shall be a person
18 representative ~~of affected industry~~ *of local or county govern-*
19 *ment*. The members of the Board who are not officers or
20 employees of the United States shall be entitled to receive
21 compensation at a per diem rate to be fixed by the Secretary
22 of Health, Education, and Welfare, together with an allow-
23 ance for actual and necessary traveling and subsistence ex-
24 penses while engaged in the business of the Board. *The*

1 *Board shall meet at the call of the Surgeon General.* It shall
 2 be the duty of the Board to review the policies and pro-
 3 grams of the Surgeon General as undertaken under authority
 4 of this ~~title~~ *Act*, and to make recommendations thereon in
 5 reports to the Surgeon General. Such clerical and technical
 6 assistance as may be necessary to discharge the duties of the
 7 Board shall be provided from the personnel of the Public
 8 Health Service.

9 ~~“SEC. 207.~~ *SEC. 6.* (a) There is hereby authorized to be
 10 appropriated to the Department of Health, Education, and
 11 Welfare for each of the five fiscal years during the period
 12 beginning July 1, 1955, and ending June 30, 1960, such
 13 sum as Congress may hereafter determine to be necessary
 14 not to exceed \$3,000,000 to enable it to carry out its functions
 15 under this ~~title of~~ *Act and to* (1) ~~making~~ *make* grants-in-aid
 16 to States, for expenditure by or under the direction of their
 17 respective State and local government air pollution *control*
 18 agencies, and to public and private agencies and *educational*
 19 institutions and individuals, for research, training, and demon-
 20 stration projects, and (2) ~~contracting~~ *or to enter into con-*
 21 *tract* with public and private agencies and *educational* insti-
 22 tutions and individuals for research, training and demon-
 23 stration projects. Such grants-in-aid and contracts may be
 24 made without regard to sections 3648 and 3709 of the Re-
 25 vised Statutes. Sums appropriated pursuant to this subsec-

tion shall remain available until expended, and shall be allotted by the Surgeon General in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare.

“(b) There is hereby authorized to be appropriated to the Department of Health, Education, and Welfare for each of the five fiscal years during the period beginning July 1, 1955, and ending June 30, 1960, such sum as Congress may hereafter determine to be necessary to enable it to carry out its remaining functions under this title.

“(c) There is hereby authorized to be appropriated to the Department of Health, Education, and Welfare for each of the five fiscal years during the period beginning July 1, 1955, and ending June 30, 1960, such sum as Congress may determine to be necessary to enable the Secretary of Health, Education, and Welfare to erect, furnish, and equip such buildings and facilities as may be necessary for the use of the Public Health Service in connection with the research and study of air pollution and the training of personnel in work related to the control of air pollution. Sums appropriated pursuant to this subsection shall remain available until expended.

“SEC. 208. (a) Five officers may be appointed to grades in the regular corps of the Public Health Service above that of senior assistant, but not to a grade above that of Director,

1 to assist in carrying out the purposes of this title. Officers ap-
 2 pointed pursuant to this subsection in any fiscal year shall not
 3 be counted as part of the 10 per centum of the original
 4 appointments authorized to be made in such year under
 5 section 207 (b) of the Public Health Service Act; but they
 6 shall for all other purposes be treated as though appointed
 7 pursuant to such section 207 (b).

8 “(b) The Secretary of Health, Education, and Welfare
 9 may, with the consent of the head of any other agency of
 10 the Federal Government, utilize such officers and employees
 11 of such agency as may be found necessary to assist in carry-
 12 ing out the purposes of this title.

13 “(c) The Surgeon General is authorized to prescribe
 14 such regulations as are necessary to carry out his functions
 15 under this title.

16 “~~SEC. 209.~~ SEC. 7. When used in this title Act—

17 “(a) (a) the term ‘State “State air pollution control
 18 agency’ agency” means the State health authority, except
 19 that in the case of any State in which there is a single State
 20 agency other than the State health authority charged with
 21 responsibility for enforcing State laws relating to the abate-
 22 ment of air pollution, it means such other State agency;

23 “(b) (b) the term ‘local “local government air pollu-
 24 tion control agency’ agency” means a city or other local
 25 government health authority, except that in the case of any

1 city or other local government in which there is a single
2 agency other than the health authority charged with respon-
3 sibility for enforcing ordinances or laws relating to the
4 abatement of air pollution, it means such other agency; and

5 ~~“(e) (c) the term ‘State’~~ “*State*” means a State or the
6 District of ~~Columbia.~~ *Columbia*.

7 *SEC. 8. Nothing contained in this Act shall affect any*
8 *other law relating to air pollution unless such other law is*
9 *manifestly inconsistent with the provisions of this Act.*
10 *Nothing contained in this Act shall limit the authority of*
11 *any department or agency of the United States to conduct*
12 *research and experiments relating to air pollution under*
13 *the authority of any other law.*

Amend the title so as to read: “A bill to provide research
and technical assistance relating to air pollution control.”

84TH CONGRESS
1ST SESSION

S. 928

[Report No. 389]

A BILL

To amend the Water Pollution Control Act in order to provide for the control of air pollution.

By Mr. KUCHEL, Mr. KNOWLAND, Mr. MARTIN
of Pennsylvania, Mr. DUFF, and Mr. CAPE-
HART

FEBRUARY 4, 1955

Read twice and referred to the Committee on
Public Works

MAY 27 (legislative day, MAY 2), 1955

Reported with amendments

3. AIR POLLUTION. Passed as reported S. 928, to amend the Water Pollution Control Act to provide for the control of air pollution (pp. 6181-3). The bill had previously been reported with amendments during the recess of the Senate on May 27 (S. Rept. 389) (p. 6155).
 4. BUILDINGS. The Public Works Committee reported with amendments S. 1290, to provide for the construction of certain Government buildings in D. C. (S. Rept. 402) (p. 6158).
 5. WEATHER. The Interstate and Foreign Commerce Committee was discharged from consideration of S. 1932, making an appropriation for the operation of an emergency hurricane warning system by the Weather Bureau, and the bill was referred to the Appropriations Committee (p. 6164).
 6. ELECTRIFICATION. Sen. Neuberger criticized attacks by the State Council of Chambers of Commerce on the proposed Hells Canyon Dam project and inserted various resolutions favoring this project (pp. 6168-9).
 7. STATE, JUSTICE, JUDICIARY APPROPRIATION BILL, 1956. Passed as reported this bill, H. R. 5502 (pp. 6176-81). Agreed to committee amendments, en bloc, which include the following: That the position of Budget Officer of the State Department shall be in GS-18 so long as held by the present incumbent; that the compensation of the Administrative Assistant Attorney General shall be \$17,500 per annum so long as held by the present incumbent; that the compensation of the Director of the Bureau of Prisons shall be \$17,500 per annum so long as held by the present incumbent; and to change the reference to Mexican boundary "fence" to "demarcation" (pp. 6177-8).

This bill includes \$1,626,482 for FAO, \$206,914 for the Inter-American Institute of Agricultural Sciences, \$13,720 for the International Sugar Council, and \$26,264 for the International Wheat Council.
 8. CONSERVATION. Sen. Watkins stated that considerable interest has been expressed in his bill S. 1832, to establish a National Youth Rehabilitation Corps, and inserted several newspaper articles favoring this proposed program (pp. 6173-5).
 9. REFUGEE RELIEF. Sens. Humphrey, Sparkman, and Purtell discussed the President's proposed amendment to the Refugee Relief Act (pp. 6217-9).
 10. POSTAL PAY. Agreed to consider today S. 2061, the postal pay bill, limiting to 1 hour, equally divided, debate on any amendment; agreed that no amendment not germane to the bill shall be received and that debate on passage of the bill will be limited to 1 hour (p. 6204).
 11. STATEHOOD. Received an Hawaii Legislature resolution urging immediate statehood for Hawaii (p. 6157).
- HOUSE
12. SALT-WATER RESEARCH. House conferees were appointed on H. R. 2126, which would amend and extend the saline water research program (p. 6223). Senate conferees have not yet been appointed.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued June 1, 1955
For actions of May 31, 1955
84th-1st, No. 90

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HIGHLIGHTS: Senate passed State-Justice appropriation bill, debated mutual security bill. Sen. Humphrey introduced and discussed bill to provide system of price reporting for basic forest products. Senate passed air pollution control bill. Both Houses received Hoover Commission report on research and development.

SENATE

1. FOREIGN AID. Began debate on S. 2090, the mutual security bill (pp. 6166-8, 6189, 6195-6201, 6204). This bill authorizes appropriation of \$3,408 million to continue for another year the various programs of foreign military, economic, and technical assistance, which comprise the "mutual security program." In addition, the bill authorizes unexpended balances of prior appropriations to be continued available except that those in excess of \$200 million which are still unobligated or unreserved as of June 30, 1955, are not authorized to be carried over. The bill also amends the Mutual Security Act of 1954 in several respects, including the following: Funds earmarked for surplus agricultural commodities are increased from \$350 million for fiscal year 1955 to \$600 million for the 2-year period 1955-6. \$13 million is earmarked for ocean freight on surplus agricultural commodities. Conditions applying to the use of funds for offshore procurement are repealed. The specific requirement that at least 30% of development assistance be in the form of loans is repealed. Authority is granted to make contracts of up to 3 years for furnishing development assistance. Authority is granted for foreign currencies received in payment for sales of commodities or services to be used for the purposes for which the funds providing the commodities or services were appropriated. Ocean transportation between foreign countries of goods procured with foreign currencies is exempt from the requirement that 50% be carried in American ships.

2. RESEARCH; REORGANIZATION. Both Houses received from the Commission on Organization of the Executive Branch of the Government a report on research and development in the Government (H. Doc. 174); to Senate Armed Services Committee and House Government Operations Committee (pp. 6156-6227).

for these Binational Foundations and Commissions is approximately 8 percent when compared with the total annual foreign currency programs.

Domestic staff costs, \$1,278,638

The administrative cost of the staff in the International Education Exchange Service (229), the staff of the Secretariat of the Board of Foreign Scholarships (5), and the 4 reception centers (14) is estimated at \$1,278,638 out of a total estimate of \$22 million.

The work of this staff is not confined to services directly related to the grant-in-aid program, such as planning, the processing of grants, obtaining private funds to be used in conjunction with many of the Department's grants which are partial in nature, supervision of contract agencies, reporting to the Congress and evaluation. Many other functions are performed.

For instance, the Service devotes much time and effort to encouraging and facilitating worthwhile exchanges under non-United States Government auspices. It is conservatively estimated that during the past year such services helped to bring about some 3,500 exchanges costing their sponsors in the neighborhood of \$10 million. Among this group were a hundred or more United Nations fellows for whom training in United States Government agencies was arranged.

The Service is responsible for administration of the exchange-visitor-visa designations under section 201 of Public Law 402. Under this program the Service reviews and certifies new programs and reviews and assists programs already designated. A total of 2,000 programs are active at this time.

The administration of the grant program financed from the repayments by Finland of its World War I debt under Public Law 265 are entirely absorbed by the Service.

Other activities for which administrative services are required include: The negotiation of executive agreements for educational exchange programs; backstopping United States participation in the North Atlantic Treaty Organization Cultural Council and the Cultural Council of the Organization of American States; training of personnel assigned to duties with this program overseas; the implementation of projects authorized by Public Law 402, under which other governments advance the necessary program funds; and research and analysis on non-departmental exchange activities for planning purposes.

The coordination of other Government programs is also a continuing activity. The Service works constantly with the Operations Coordinating Board, the National Science Foundation, the Atomic Energy Committee, the FOA, and other Government organizations, having comparable problems. It chairs and provides the Secretariat for the Interagency Committee on Training Programs and Exchange of Persons (established in accordance with the recommendation of the Hickenlooper committee, to coordinate governmental exchange activities).

Staff travel, \$36,468

Staff travel of \$36,468 is based on a \$22 million appropriation. Supervision of the work of private contractors in the United States and consultation with Embassy, USIS officials, foreign government officials, and officers of foreign universities is necessary if we are to insure that the program is being efficiently and effectively operated.

Staff travel also covers attendance at meetings called by private organizations interested in the international educational exchange program. Such travel has as its purpose the enlisting of necessary private support and cooperation. Since the Board of Foreign Scholarships is charged with supervision of the exchange program authorized by the Fulbright Act as well as selection of all participants, they must hold several

full meetings every year, in addition to special inspection trips by individual members.

Security investigations, \$29,610

Public Law 402 prescribes that employees assigned to duties under the act must have a full field investigation prior to entry on duty. It is estimated that the total number of positions to be filled will be 47 (a turnover of 10 percent in the present positions, or 23, and the 24 new positions requested in this estimate). To clear candidates for these positions will require approximately 141 investigations (1954 experience indicates that three clearances are necessary for every position filled) at a unit cost of \$210 each.

Domestic administrative support, \$361,974

An amount of \$361,974 is needed to cover the cost of administrative support services handled by the Department of State for the International Educational Exchange Service. These support services include such items as: (1) Legal assistance; (2) assistance from the Central Finance Office in disbursing funds and in reporting to the Treasury Department regarding funds expended, balances, etc.; (3) assistance in coordinating budget requests with that of the Department and in relating all budget documents and reports with those of the Department as a whole; (4) central recruiting of personnel to keep the staff as near to complement as possible; (5) making security checks on all prospective grantees before grants are awarded; (6) other services such as communications with the 79 countries in which there are exchange programs, mail service, reproduction service, supplies, equipment, and related services. This represents 64 man-years of personnel time in addition to the other services enumerated.

United States Advisory Commission on Educational Exchange, \$38,970

The amount of \$38,970 requested for the United States Advisory Commission on Educational Exchange is to provide a secretariat staff of five to arrange for and follow up on meetings of the Commission and to keep its members constantly informed on program developments and problems so that they can recommend effective policies and programs to the Secretary and the Congress. The secretariat also prepares the required quarterly reports to the Congress, and maintains liaison between the Department and the Commission, and between the Commission and private groups and organizations working with it.

While the members of the Commission serve without compensation, funds are requested to cover their travel expenses for 4 regular meetings in Washington and 2 overseas trips for 2 of the Commissioners. In addition travel to Washington for three special meetings is provided for members of the Subcommittee on Inter-American Cultural Affairs. This subcommittee reviews educational exchange activities in their area and recommends policies to the full Commission for the use of the Department in all phases of its inter-American educational exchange interests.

The PRESIDING OFFICER. The question is on the passage of the bill.

The bill (H. R. 5502) was passed.

Mr. KILGORE. Mr. President, I move that the Senate insist on its amendments, request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. KILGORE, Mr. ELLENDER, Mr. McCLELLAN, Mr. MAGNUSON, Mr. GREEN, Mr. BRIDGES, Mr. SALTONSTALL, and Mr. MCCARTHY conferees on the part of the Senate.

Mr. SALTONSTALL. Mr. President, before the discussion on the bill is concluded, I wish to read in behalf of the senior Senator from New Hampshire [Mr. BRIDGES] a letter which was addressed to him, as follows:

MAY 31, 1955.

The Honorable STYLES BRIDGES,

United States Senate.

DEAR SENATOR BRIDGES: I am sure effective staff work is just as essential in the legislative process as it is in the Department's operations. From my observations as confirmed by comments of Mr. Carpenter and Mr. Wilber you are particularly fortunate in having Mr. Kennedy and Mr. Merrick to serve your Appropriations Committee.

Attached are copies of notes I have just sent to both men expressing the Department's as well as my personal appreciation for their assistance and guidance.

Sincerely,

LOY W. HENDERSON,

Deputy Under Secretary for Administration.

CONTROL OF AIR POLLUTION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 392, Senate bill 928.

The PRESIDING OFFICER. The Secretary will state the bill by title.

The LEGISLATIVE CLERK. A bill (S. 928) to amend the Water Pollution Control Act in order to provide for the control of air pollution.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill which had been reported from the Committee on Public Works, with amendments, on page 1, line 3, after the enacting clause, to strike out:

That the Water Pollution Control Act (33 U. S. C. §§ 466-466j) is amended (1) by inserting the heading "Title I—Water Pollution Control" after the enacting clause; (2) by deleting "That in" at the beginning of the first section and inserting in lieu thereof "SECTION 1. In"; (3) by deleting "this Act" or "This Act" wherever appearing in such act, except in section 12, and inserting in lieu thereof "this title" or "This title" respectively; and (4) inserting at the end of such act the following new title.

On page 2, after line 2, to strike out:

"TITLE II—AIR POLLUTION CONTROL

"SEC. 201. This title may be cited as the 'Air Pollution Control Act of 1955.'

At the beginning of line 6, to strike out "Sec. 202. In" and insert "That in"; in line 11, after the word "and", to strike out "perfect" and insert "develop"; in line 14, after the word "pollution", to insert "control", and in the same line, after the word "and", to strike out "to industries" and insert "public or private educational institutions"; in line 16, after the word "abatement", to insert "research"; in line 20, after the word "the", to strike out "responsibilities and"; at the beginning of line 23, to strike out "Sec. 203." and insert "Sec. 2."; on page 3, line 1, after the word "pollution", to insert "control"; in line 2, after the word "private", to strike out "agencies and" and insert "educational", and in the same line, after

the word "institutions", to strike out "and with industries involved" and insert "to"; in line 3, after the word "or", to strike out "adopt comprehensive" and insert "recommend research"; at the beginning of line 8, to strike out "(b)" and insert "(b)", and in the same line, after the word "General", to strike out "shall" and insert "may"; in line 10, after the word "pollution", to strike out "encourage the enactment of uniform State laws relating to air pollution"; in line 15, after the word "pollution", to insert "control", and in the same line, after the word "private", to strike out "agencies and" and insert "educational"; in line 16, after the word "institutions", to strike out "and individuals", and in the same line, after the word "and" where it occurs the second time, to strike out "perfect" and insert "develop"; at the beginning of line 19, to insert "control", and in the same line, after the word "private", to strike out "agencies and" and insert "educational"; in line 20, after the word "institutions", to strike out "industries, and individuals"; in line 25, after the word "pollution", to insert "control"; on page 4, line 1, after the word "private", to strike out "agencies and" and insert "educational", and in the same line, after the word "institutions", to strike out "industries, and individuals"; in line 3, after the word "this", to strike out "title" and insert "Act"; at the beginning of line 4, to strike out "Sec. 204" and insert "Sec. 3"; in line 5, after the word "pollution", to insert "control"; in line 8, after the word "confronting", to strike out "any State, community, municipality, or industrial plant" and insert "such State or local government air pollution control agency"; at the beginning of line 12, to strike out "Sec. 205" and insert "Sec. 4"; at the beginning of line 18, to strike out "Sec. 206" and insert "Sec. 5"; on page 5, line 1, after the word "Commerce", to insert "a representative of the Atomic Energy Commission"; in line 5, after the word "Commerce", to insert "the Chairman of the Atomic Energy Commission"; in line 7, after the word "and" to strike out "six" and insert "eight"; in line 18, after the word "representative" to strike out "of affected industry" and insert "of local or county government"; in line 24, after the word "Board", to insert "The Board shall meet at the call of the Surgeon General."; on page 6, line 4, after the word "this", to strike out "title" and insert "Act"; in line 9, to strike out "Sec. 207" and insert "Sec. 6"; in line 12, after the numerals "1960", to strike out "such sum as Congress may hereafter determine to be necessary" and insert "not to exceed \$3,000,000"; in line 15, after the word "this", to strike out "title of" and insert "Act and to"; in the same line after "(1)" to strike out "making" and insert "make"; in line 18, after the word "private", to strike out "agencies and" and insert "educational"; in line 19, after the word "institutions" to strike out "and individuals"; in line 20, after "(2)" to strike out "contracting" and insert "or to enter into contract"; in line 21, after the word "private" to strike out "agencies and" and insert "educational"; in line 22, after the word "institu-

tions" to strike out "and individuals"; on page 7, after line 4, to strike out:

(b) There is hereby authorized to be appropriated to the Department of Health, Education, and Welfare for each of the 5 fiscal years during the period beginning July 1, 1955, and ending June 30, 1960, such sum as Congress may hereafter determine to be necessary to enable it to carry out its remaining functions under this title.

(c) There is hereby authorized to be appropriated to the Department of Health, Education, and Welfare for each of the 5 fiscal years during the period beginning July 1, 1955, and ending June 30, 1960, such sum as Congress may determine to be necessary to enable the Secretary of Health, Education, and Welfare to erect, furnish, and equip such buildings and facilities as may be necessary for the use of the Public Health Service in connection with the research and study of air pollution and the training of personnel in work related to the control of air pollution. Sums appropriated pursuant to this subsection shall remain available until expended.

SEC. 208. (a) Five officers may be appointed to grades in the regular corps of the Public Health Service above that of senior assistant, but not to a grade above that of Director, to assist in carrying out the purposes of this title. Officers appointed pursuant to this subsection in any fiscal year shall not be counted as part of the 10 percent of the original appointments authorized to be made in such year under section 207 (b) of the Public Health Service Act; but they shall for all other purposes be treated as though appointed pursuant to such section 207 (b).

(b) The Secretary of Health, Education, and Welfare may, with the consent of the head of any other agency of the Federal Government, utilize such officers and employees of such agency as may be found necessary to assist in carrying out the purposes of this title.

(c) The Surgeon General is authorized to prescribe such regulations as are necessary to carry out his functions under this title.

On page 8, line 16, change the section number from "209" to "7"; in the same line, after the word "this", to strike out "title" and insert "Act"; at the beginning of line 17, to strike out "(a)" and insert "(a)"; in the same line, after the word "term", to strike out "State" and insert "State"; in the same line, after the word "pollution" to insert "control"; at the beginning of line 18, to strike out "agency" and insert "agency"; in line 23, to strike out "(b)" and insert "(b)"; in the same line, after the word "term", to strike out "local" and insert "local"; in line 24, after the word "pollution" to insert "control"; in the same line, after the amendment just above stated, to strike out "agency" and insert "agency"; on page 9, at the beginning of line 5, to strike out "(c)" and insert "(c)"; in the same line, after the word "term" to strike out "State" and insert "State"; in line 6, after the word "of", to strike out "Columbia." and insert "Columbia."; after line 6, to insert a new section, as follows:

SEC. 8. Nothing contained in this act shall affect any other law relating to air pollution unless such other law is manifestly inconsistent with the provisions of this act. Nothing contained in this act shall limit the authority of any department or agency of the United States to conduct research and experiments relating to air pollution under the authority of any other law.

So as to make the bill read:

Be it enacted, etc., That in recognition of the dangers to the public health and welfare from air pollution, it is hereby declared to be the policy of Congress to preserve and protect the primary responsibilities and rights of the States and local governments in controlling air pollution, to support and aid technical research to devise and develop methods of abating such pollution, and to provide Federal technical services and financial aid to State and local government air pollution control agencies and public or private educational institutions in the formulation and execution of their air pollution abatement research programs. To this end, the Secretary of Health, Education, and Welfare and the Surgeon General of the Public Health Service (under the supervision and direction of the Secretary of Health, Education, and Welfare) shall have the authority relating to air pollution control vested in them respectively by this title.

SEC. 2. (a) The Surgeon General is authorized and directed after careful investigation and in cooperation with other Federal agencies, with State and local government air pollution control agencies, with public and private educational institutions to prepare or recommend research programs for eliminating or reducing air pollution. For the purpose of this subsection the Surgeon General is authorized to make joint investigations with any such agencies or institutions.

(b) The Surgeon General may encourage cooperative activities by State and local governments for the prevention and abatement of air pollution; collect and disseminate information relating to air pollution and the prevention and abatement thereof; support and aid technical research by State and local government air pollution control agencies, public and private educational institutions, to devise and develop methods of preventing and abating air pollution; make available to State and local government air pollution control agencies, public and private educational institutions the results of surveys, studies, investigations, research, and experiments relating to air pollution and the prevention and abatement thereof conducted by the Surgeon General and by authorized cooperating agencies; and furnish such other assistance to State and local government air pollution control agencies, public and private educational institutions, as may be authorized by law in order to carry out the policy of this act.

SEC. 3. The Surgeon General may, upon request of any State or local government air pollution control agency conduct investigations and research and make surveys concerning any specific problem of air pollution confronting such State or local government air pollution control agency with a view to recommending a solution to such problem.

SEC. 4. The Surgeon General shall prepare and publish from time to time reports of such surveys, studies, investigations, research, and experiments made under the authority of this title as he may consider desirable, together with appropriate recommendations with regard to the control of air pollution.

SEC. 5. There is hereby established within the Public Health Service an Air Pollution Control Advisory Board (hereinafter referred to as the "Board") to be composed as follows: The Surgeon General or a sanitary engineer officer designated by him, who shall be Chairman of the Board, a representative of the Department of Defense, a representative of the Department of the Interior, a representative of the Department of Agriculture, a representative of the Department of Commerce, a representative of the Atomic Energy Commission, and a representative of the National Science Foundation, designated, respectively, by the Secretary of Defense, the Secretary of the Interior, the Secretary of

Agriculture, the Secretary of Commerce, the Chairman of the Atomic Energy Commission, and the Director of the National Science Foundation; and eight persons (not officers or employees of the Federal Government) to be appointed annually by the President. One of the persons appointed by the President shall be an engineer who is an expert in air pollution control and prevention, 1 shall be a person who has shown an active interest in the field of air pollution, and, except, as the President may determine that the purposes of this title will be promoted by different representation, 1 shall be a person representative of State government, 1 shall be a person representative of municipal government, and 1 shall be a person representative of local or county government. The members of the Board who are not officers or employees of the United States shall be entitled to receive compensation at a per diem rate to be fixed by the Secretary of Health, Education, and Welfare, together with an allowance for actual and necessary traveling and subsistence expenses while engaged in the business of the Board. The Board shall meet at the call of the Surgeon General. It shall be the duty of the Board to review the policies and programs of the Surgeon General as undertaken under authority of this act, and to make recommendations thereon in reports to the Surgeon General. Such clerical and technical assistance as may be necessary to discharge the duties of the Board shall be provided from the personnel of the Public Health Service.

Sec. 6. (a) There is hereby authorized to be appropriated to the Department of Health, Education, and Welfare for each of the five fiscal years during the period beginning July 1, 1955, and ending June 30, 1960, not to exceed \$3 million to enable it to carry out its functions under this act and to (1) make grants-in-aid to States, for expenditure by or under the direction of their respective State and local government air pollution control agencies, and to public and private educational institutions for research, training, and demonstration projects, and (2) or to enter into contract with public and private educational institutions for research, training and demonstration projects. Such grants-in-aid and contracts may be made without regard to sections 3648 and 3709 of the Revised Statutes. Sums appropriated pursuant to this subsection shall remain available until expended, and shall be allotted by the Surgeon General in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare.

Sec. 7. When used in this act—

(a) the term "State air pollution control agency" means the State health authority, except that in the case of any State in which there is a single State agency other than the State health authority charged with responsibility for enforcing State laws relating to the abatement of air pollution, it means such other State agency;

(b) the term "local government air pollution control agency" means a city or other local government health authority, except that in the case of any city or other local government in which there is a single agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the abatement of air pollution, it means such other agency; and

(c) the term "State" means a State or the District of Columbia.

Sec. 8. Nothing contained in this act shall affect any other law relating to air pollution unless such other law is manifestly inconsistent with the provisions of this act. Nothing contained in this act shall limit the authority of any department or agency of the United States to conduct research and experiments relating to air pollution under the authority of any other law.

The title was amended, so as to read: "A bill to provide research and technical

assistance relating to air pollution control."

Mr. JOHNSON of Texas. Mr. President, I call the attention of the Senator from Oklahoma [Mr. KERR] to the fact that the unfinished business is Senate bill 928.

Mr. KERR. Mr. President, Senate bill 928, as amended by the committee, authorizes study and research with reference to air pollution. It seeks to promote and encourage cooperation by the Federal Government with States, municipalities, and private agencies toward finding a means to reduce, and then to prevent, the pollution of air.

The bill was long considered by the committee. It was unanimously reported by the subcommittee and then by the full committee, which recommends its passage by the Senate.

I should like the junior Senator from California [Mr. KUCHEL], who led in the effort to secure appropriate study, investigation, discussion, and approval of the bill by the committee, to give the Senate his views on the subject at this time.

Mr. KUCHEL. Mr. President, the problem of air pollution or air contamination has become so widespread that no section of the United States is immune from it. It has posed a continually growing danger to the health and comfort of our people, a serious and increasing hazard to our Nation's agriculture, and a threat to the orderly growth of our industry.

I was most grateful to find in the state of the Union message a request by the President that the facilities of the Federal Government be enlisted in the field of research and technical study and assistance with a view to finding what we hope may be an early solution of the air-pollution problem. This bill meets that request with a \$15 million authorization extending over the next 5 years.

The people of the Nation are indebted to my friend the senior Senator from Oklahoma [Mr. KERR] for the manner in which, as chairman of the subcommittee charged with the responsibility for the bill, he held long hearings and heard testimony from representatives of State, county, and city governments across the Nation; and also testimony from experts, such as a representative of the American Medical Association—all of whom urged Congress to enact legislation to bring the facilities of the Federal Government into this fight against smog.

I wish to emphasize that it is not the thought that Congress has anything to do with control of air pollution through the proposed legislation or through any contemplated Federal legislation. That problem remains where it ought to remain—in the States of the Union, and in the cities and the counties of our country.

The bill does provide a means of integrating, under the Department of Health, Education, and Welfare, all the technical facilities available to the several departments of Government, so that there may be a cooperative effort upon the part of the Government of the United States in the field of research and development with reference to this problem.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the

committee amendments be agreed to en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the committee amendments are agreed to en bloc.

The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 928) was ordered to be engrossed for a third reading, read the third time, and passed.

EXAMINATION AND SURVEY OF THE NEW ENGLAND, LONG ISLAND, AND NEW JERSEY COASTAL AREAS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of order No. 391, Senate bill 414.

The PRESIDING OFFICER. The Secretary will state the bill by title.

The LEGISLATIVE CLERK. A bill (S. 414) authorizing a preliminary examination and survey of the New England, Long Island, and New Jersey coastal and tidal areas, for the purpose of determining possible means of preventing damages to property and loss of human lives due to hurricane, winds, and tides.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works, with an amendment, to strike out all after the enacting clause and insert:

That in view of the severe damage to the coastal and tidal areas of the eastern and southern United States from the occurrence of hurricanes, particularly the hurricanes of August 31, 1954, and September 11, 1954, in the New England, New York, and New Jersey coastal and tidal areas, and the hurricane of October 15, 1954, in the coastal and tidal areas extending south to South Carolina, and in view of the damages caused by other hurricanes in the past, the Secretary of the Army, in cooperation with the Secretary of Commerce and other Federal agencies concerned with hurricanes, is hereby authorized and directed to cause an examination and survey to be made of the eastern and southern seaboard of the United States with respect to hurricanes, with particular reference to areas where severe damages have occurred.

Sec. 2. Such survey, to be made under the direction of the Chief of Engineers, shall include the securing of data on the behavior and frequency of hurricanes, and the determination of methods of forecasting their paths and improving warning services, and of possible means of preventing loss of human lives and damages to property, with due consideration of the economics of proposed breakwaters, seawalls, dikes, dams, and other structures, warning services, or other measures which might be required.

Sec. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

Mr. KERR. Mr. President, the bill was introduced by the Senator from Connecticut [Mr. BUSH], for himself and the Senator from South Carolina [Mr. THURMOND], the Senator from Rhode Island [Mr. GREEN], the Senator from New Jersey [Mr. SMITH], the Senator from New York [Mr. IVES], the Senator

from Massachusetts [Mr. SALTONSTALL], the Senator from Connecticut [Mr. PURTELL], the Senator from Maine [Mr. PAYNE], the Senator from New Hampshire [Mr. BRIDGES], and the Senator from New York [Mr. LEHMAN]. I believe the distinguished junior Senator from Rhode Island [Mr. PASTORE] was a joint author and sponsor of the bill.

Mr. President, the bill is very brief. It directs the Corps of Engineers to make an examination and survey, in cooperation with the United States Weather Bureau and other agencies, along the coastal and tidal areas of eastern and southern United States, for the purpose of securing data on the movement and effect of hurricanes, and for the purpose of finding a way, if possible, to reduce the danger of damage by hurricanes, and to develop a means, if practicable and feasible, whereby the bad effects from such occurrences can be minimized, and also whereby better systems of warning can be developed, so that, to the extent possible, people in the affected areas, in the path of the approach of such storms will be able to take such means as are available to them to help themselves to avoid damage.

The bill was the subject of extended hearings by the committee. The distinguished Senators from New England and other States, having in mind similar situations along the eastern seaboard and the Gulf of Mexico, spent long hours of study, and the committee spent several days hearing from persons residing in the affected areas. It was considered unanimously by the members of the subcommittee and the full committee that the bill was one which should be considered and passed by the Congress, in order that anything which could appropriately be done to be of assistance in this field might be developed and brought about.

The distinguished senior Senator from Connecticut [Mr. BUSH] was one of the leaders in securing the consideration and approval of the bill. I should like to ask him to give us the benefit of his views on the bill.

Mr. BUSH. Mr. President, I shall delay the Senate less than 1 minute. On behalf of myself and all the other sponsors of the bill, I wish to thank the able Senator from Oklahoma for the very fine analysis of the bill he has made.

There is little I can add, except to say, that certain areas have suffered devastating damage, loss of life, and great distress as a result of repeated hurricanes, the worst of them having occurred last year.

The bill now before the Senate is an authorization measure, to enable the engineers to study the situation and make recommendations as to what can be done to deal with the problem, as has been stated by the Senator from Oklahoma, both through giving improved warning service, and, secondly, furnish the physical means to deal with the problem and stop the tidal damage. Very much of the damage is water damage.

The bill is a very modest one. There has been absolutely no opposition to it in the committee.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. BUSH. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. I should like to join in extending my thanks to the distinguished Senator from Oklahoma. Passage of the bill will tend to give increased confidence to individuals and businesses located along the New England seaboard.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. BUSH. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. I wish to associate myself with the statement of the Senator from Oklahoma, because my State is fairly familiar with the damage which can be done by tornadoes. We know, of course, that hurricanes on the east coast have also caused great destruction.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be offered, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to authorize an examination and survey of the coastal and tidal areas of the eastern and southern United States, with particular reference to areas where severe damages have occurred from hurricane winds and tides."

CONVEYANCE OF CERTAIN LAND TO BROWNSVILLE IRRIGATION DISTRICT OF CAMERON COUNTY, TEX.

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 393, Senate bill 1340, to authorize the conveyance by quitclaim deed of certain land to the Brownsville Navigation District of Cameron County, Tex. I call this motion to the attention of the Senator from Oklahoma [Mr. KERR].

The PRESIDING OFFICER (Mr. KUCHEL in the chair). The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 1340) to authorize the conveyance by quitclaim deed of certain land to the Brownsville Navigation District of Cameron County, Tex.

Mr. KERR. Mr. President, the purpose of the bill is to authorize the Secretary of the Army to reconvey by quitclaim deed to the Brownsville Navigation District those lands on Brazos and Padre Islands, Cameron County, Tex., including accretions thereto, which were conveyed to the United States by the district by two deeds, both dated October 25, 1932, except for such portions of the lands or interests therein as the Secretary of the Army may determine are needed in connection with river and harbor improvement works at this location.

The bill provides that the Brownsville Navigation District shall pay the United States the same amount of money for the

return of the land as was paid to it for the land when it was secured from the Brownsville District. The land has been found to be surplus, and is not needed by the Federal Government, and the local District is improving the land for park and recreational purposes.

The bill was considered by the full committee, and was unanimously approved by both the subcommittee and the full committee; and passage of the bill by the Senate is recommended.

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1340) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Army is hereby authorized and directed to reconvey, by quitclaim deed, to the Brownsville Navigation District of Cameron County, Tex., for a monetary consideration equal to that paid by the United States to such district therefor, all right, title, and interest of the United States in and to those lands located on Brazos and Padre Islands, Cameron County, Tex., including accretions thereto, which were conveyed to the United States by the Brownsville Navigation District by two deeds, both dated October 25, 1932, and recorded in volume 243, pages 260-262, and volume 244, pages 101-103 of the deed records of Cameron County, Tex., except for such portions of the lands or interests therein as the Secretary of the Army may determine are needed in connection with river and harbor improvement works at the location.

SEC. 2. The conveyance authorized by this act shall contain such terms and conditions as the Secretary of the Army, with the concurrence of the Secretary of the Treasury, determines advisable to assure that the use of the land by the Brownsville Navigation District or its transferees will be compatible with the operations of the United States Coast Guard. Such conveyance shall also contain such terms and conditions as the Secretary of the Army determines advisable in the public interest, and particularly such terms and conditions as he determines advisable—

(a) to assure that the use of the land by the Brownsville Navigation District or its transferees will be compatible with the construction, maintenance, and operation of the river and harbor project at the location; and

(b) to assure that the United States, and its employees, agents, and contractors shall have the right to utilize the existing causeway, constructed by Cameron County, Tex., for access to Padre Island, Tex., in connection with governmental activities, without charge.

SEC. 3. The conveyance authorized by this act shall reserve to the United States all right, title, and interest in source material (as defined in the Atomic Energy Act of 1954) in the lands conveyed.

CONSTRUCTION OF HIGHWAY CROSSING OVER LAKE TEXOMA, RED RIVER, TEX. AND OKLA.

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 394, Senate bill 1318, to authorize construction of a highway crossing over Lake Texoma, Red River, Tex. and Okla.; and I call the motion to the attention of the Senator from Oklahoma [Mr. KERR].

84TH CONGRESS
1ST SESSION

S. 928

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 1955

Referred to the Committee on Interstate and Foreign Commerce

AN ACT

To provide research and technical assistance relating to air pollution control.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That in recognition of the dangers to the public health and
4 welfare from air pollution, it is hereby declared to be the
5 policy of Congress to preserve and protect the primary re-
6 sponsibilities and rights of the States and local governments
7 in controlling air pollution, to support and aid technical
8 research to devise and develop methods of abating such pol-
9 lution, and to provide Federal technical services and finan-
10 cial aid to State and local government air pollution control
11 agencies and public or private educational institutions in

1 the formulation and execution of their air pollution abate-
2 ment research programs. To this end, the Secretary of
3 Health, Education, and Welfare and the Surgeon General of
4 the Public Health Service (under the supervision and direc-
5 tion of the Secretary of Health, Education, and Welfare)
6 shall have the authority relating to air pollution control
7 vested in them respectively by this title.

8 SEC. 2. (a) The Surgeon General is authorized and
9 directed after careful investigation and in cooperation with
10 other Federal agencies, with State and local government air
11 pollution control agencies, with public and private educa-
12 tional institutions, to prepare or recommend research pro-
13 grams for eliminating or reducing air pollution. For the pur-
14 pose of this subsection the Surgeon General is authorized to
15 make joint investigations with any such agencies or insti-
16 tutions.

17 (b) The Surgeon General may encourage cooperative
18 activities by State and local governments for the prevention
19 and abatement of air pollution; collect and disseminate in-
20 formation relating to air pollution and the prevention and
21 abatement thereof; support and aid technical research by
22 State and local government air pollution control agencies,
23 public and private educational institutions, to devise and
24 develop methods of preventing and abating air pollution;
25 make available to State and local government air pollution

1 control agencies, public and private educational institutions,
2 the results of surveys, studies, investigations, research, and
3 experiments relating to air pollution and the prevention and
4 abatement thereof conducted by the Surgeon General and
5 by authorized cooperating agencies; and furnish such other
6 assistance to State and local government air pollution con-
7 trol agencies, public and private educational institutions, as
8 may be authorized by law in order to carry out the policy of
9 this Act.

10 SEC. 3. The Surgeon General may, upon request of any
11 State or local government air pollution control agency, con-
12 duct investigations and research and make surveys concern-
13 ing any specific problem of air pollution confronting such
14 State or local government air pollution control agency with a
15 view to recommending a solution of such problem.

16 SEC. 4. The Surgeon General shall prepare and publish
17 from time to time reports of such surveys, studies, investiga-
18 tions, research, and experiments made under the authority of
19 this title as he may consider desirable, together with appro-
20 priate recommendations with regard to the control of air
21 pollution.

22 SEC. 5. There is hereby established within the Public
23 Health Service an Air Pollution Control Advisory Board
24 (hereinafter referred to as the "Board") to be composed
25 as follows: The Surgeon General or a sanitary engineer offi-

cer designated by him, who shall be Chairman of the Board, a representative of the Department of Defense, a representative of the Department of the Interior, a representative of the Department of Agriculture, a representative of the Department of Commerce, a representative of the Atomic Energy Commission, and a representative of the National Science Foundation, designated respectively by the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Chairman of the Atomic Energy Commission, and the Director of the National Science Foundation; and eight persons (not officers or employees of the Federal Government) to be appointed annually by the President. One of the persons appointed by the President shall be an engineer who is an expert in air pollution control and prevention, one shall be a person who has shown an active interest in the field of air pollution, and, except, as the President may determine that the purposes of this title will be promoted by different representation, one shall be a person representative of State government, one shall be a person representative of municipal government, and one shall be a person representative of local or county government. The members of the Board who are not officers or employees of the United States shall be entitled to receive compensation at a per diem rate to be fixed by the Secretary of Health, Education, and Wel-

1 fare, together with an allowance for actual and necessary
2 traveling and subsistence expenses while engaged in the
3 business of the Board. The Board shall meet at the call of
4 the Surgeon General. It shall be the duty of the Board to
5 review the policies and programs of the Surgeon General as
6 undertaken under authority of this Act, and to make recom-
7 mendations thereon in reports to the Surgeon General. Such
8 clerical and technical assistance as may be necessary to dis-
9 charge the duties of the Board shall be provided from the
10 personnel of the Public Health Service.

11 SEC. 6. (a) There is hereby authorized to be appropri-
12 ated to the Department of Health, Education, and Welfare
13 for each of the five fiscal years during the period beginning
14 July 1, 1955, and ending June 30, 1960, not to exceed
15 \$3,000,000 to enable it to carry out its functions under this
16 Act and to (1) make grants-in-aid to States, for expendi-
17 ture by or under the direction of their respective State and
18 local government air pollution control agencies, and to public
19 and private educational institutions for research, training,
20 and demonstration projects, and (2) or to enter into con-
21 tract with public and private educational institutions for
22 research, training and demonstration projects. Such grants-
23 in-aid and contracts may be made without regard to sections
24 3648 and 3709 of the Revised Statutes. Sums appro-
25 priated pursuant to this subsection shall remain available

1 until expended, and shall be allotted by the Surgeon General
2 in accordance with regulations prescribed by the Secretary of
3 Health, Education, and Welfare.

4 SEC. 7. When used in this Act—

5 (a) the term “State air pollution control agency” means
6 the State health authority, except that in the case of any
7 State in which there is a single State agency other than
8 the State health authority charged with responsibility for
9 enforcing State laws relating to the abatement of air pollu-
10 tion, it means such other State agency;

11 (b) the term “local government air pollution control
12 agency” means a city or other local government health
13 authority, except that in the case of any city or other local
14 government in which there is a single agency other than
15 the health authority charged with responsibility for en-
16 forcing ordinances or laws relating to the abatement of air
17 pollution, it means such other agency; and

18 (c) the term “State” means a State or the District of
19 Columbia.

20 SEC. 8. Nothing contained in this Act shall affect any
21 other law relating to air pollution unless such other law is
22 manifestly inconsistent with the provisions of this Act.
23 Nothing contained in this Act shall limit the authority of
24 any department or agency of the United States to conduct

1 research and experiments relating to air pollution under
2 the authority of any other law.

Passed the Senate May 31 (legislative day, May 2),
1955.

Attest:

FELTON M. JOHNSTON,

Secretary.

AN ACT

To provide research and technical assistance
relating to air pollution control.

JUNE 1, 1955

Referred to the Committee on Interstate and Foreign
Commerce

5. EXTENSION WORK. Rep. Avery commended the 4-H Clubs on their 25th anniversary (pp. 7565-6).
 6. ROADS. Concurred in the Senate amendment to H. R. 5923, to authorize appropriations for the completion of the Inter-American Highway (p. 7590). This bill will now be sent to the President.
 7. INVESTIGATIONS. The Agriculture Committee reported with amendment H. Res. 266, to authorize the Committee to make investigations into certain matters within its jurisdiction (H. Rept. 873) (p. 7596).
 8. CUSTOMS SIMPLIFICATION. The Rules Committee reported a resolution for the consideration of H. R. 6040, to amend the administrative provisions of the Tariff Act of 1930 and to repeal obsolete provisions of the customs laws (p. 7596).
 9. FLAMMABLE FABRICS. The Interstate and Foreign Commerce Committee ordered reported H. R. 5222, to exempt from the Flammable Fabrics Act scarves made of plain surface fabrics (p. D589).
 10. WATER POLLUTION. The Interstate and Foreign Commerce Committee ordered reported with amendment S. 928, to amend the Water Pollution Control Act in order to provide for the control of air pollution (p. D589).
 11. SELECTIVE SERVICE. The conferees agreed to file a report on H. R. 3005, to extend selective service for 4 years until July 1, 1959 (p. D591).
 12. LEGISLATIVE PROGRAM. The "Daily Digest" states the conference report on the independent offices appropriation bill and the customs simplification bill will be considered today (p. D588).
- SENATE
13. APPROPRIATIONS. Passed with amendments H. R. 6499, the general Government matters appropriation bill for 1956. Agreed to committee amendments as follows: Increasing from \$1,350 to \$1,375 the maximum amount which may be spent for a passenger vehicle, with an additional provision authorizing \$1,875 for a station wagon, and providing that delivery charges and the cost of certain special equipment may be added to these amounts; making the President's management improvement fund available to pay individuals not to exceed \$75 per diem; and authorizing a GS-18 for the President's Advisory Committee on Government Organization. Senate conferees were appointed (pp. 7508-9).
 14. CONTRACTS. Passed with amendments H. R. 4904, providing for an extension of the Renegotiation Act of 1941 (pp. 7514-21).
The Judiciary Committee reported with amendments S. 1644, prescribing policy and procedure in connection with construction contracts made by executive agencies (S. Rept. 617) (p. 7493).
 15. FORESTS. S. 1713, providing for multiple use of the surface of the same tracts of public lands, was made the unfinished business (p. 7522).
 16. SUGAR. Sen. Barrett discussed the proposed sugar quotas and urged consideration of the domestic producer. The Secretary of Agriculture was commended for his actions in support of the domestic producer. (pp. 7522-37.)

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued June 22, 1955
For actions of June 21, 1955
84th-1st - No. 104

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HIGHLIGHTS: House agreed to conference report on salt-water research bill. Ready for President. House received conference report on independent offices appropriation bill. Senate passed general Government matters appropriation bill. Senate debated forest mining bill. Senate Interior and Insular Affairs Committed ordered favorably reported Federal-State reclamation projects bill.

HOUSE

1. INDEPENDENT OFFICES APPROPRIATION BILL, 1956. Received the conference report on this bill, H. R. 5240 (H. Rept. 871) (pp. 7563-5). The conferees agreed to \$233,000,000 for the civil service retirement and disability fund, \$3,500,000 for the President's disaster relief fund, \$97,595,500 for Public Building Service, \$3,005,000 for Federal Supply Service, and \$16,000,000 for the National Science Foundation.
2. DEFENSE DEPARTMENT APPROPRIATION BILL, 1956. House conferees were appointed on this bill, H. R. 6042 (p. 7592). Senate conferees were appointed June 20.
3. SALT-WATER RESEARCH. Agreed to the conference report on H. R. 2126, to continue and expand the Interior Department research program on converting salt water to fresh water (pp. 7575-6). This bill will now be sent to the President.
4. RECLAMATION. Agreed to the conference report on H. R. 103, to provide for the construction of distribution systems on authorized Federal reclamation projects by irrigation districts and other public agencies (p. 7575). This bill will now be sent to the President.
Passed with amendments H. R. 4663, to authorize the Secretary of the Interior to construct, operate, and maintain the Trinity River division, Central Valley project, Calif. (pp. 7576-90).

"This constitutes a reduction of \$100 million below last year's requirement and \$50 million below the requirement of the Senate bill. The committee's action is based on its belief that since much less economic aid is provided to Europe under the present bill, where the principal markets for agricultural products are located, it will not be possible to use a larger quantity of such products in the aid program."

As reported in the House, the bill authorizes total appropriations of \$3,285,800,000, which is \$139,200,000 less than the Senate figure.

HOUSING. In reporting S. 2126, the housing bill (see Digest 108), the committee agreed to the provision in the Senate bill making available 100,000,000 additional for farm housing loans, \$2,000,000 additional to permit payment of annual contributions in connection with such loans, and 10,000,000 additional for special grants and loans to make farm housing safe and sanitary. However, the House committee struck out the authorization, contained in the Senate version of the bill, for such loans to be made on an insured basis. Regarding this provision, the committee report includes the following statement: "Last year your committee reported and the Congress enacted as part of the Housing Act of 1954 a similar extension of the title V program. Your committee deeply regrets that the executive branch of the Government did not see fit to request any funds to carry out the intent of the Congress in this matter. As a result, the title V farm-housing program has been dormant since June 30, 1954. It is the hope of your committee that this act of omission will not be repeated this year."

The House committee eliminated the authorization for a program of research and loans to assist in elimination of air pollution. The committee report explains that this action was taken because of Senate passage and House committee approval of S. 928, a separate bill for this purpose.

The House committee adopted an amendment authorizing the conveyance of farm labor camps to local public-housing agencies without payment for the property. The amendment would require such agencies to give first preference in the occupancy of the farm labor camps to low-income agricultural workers and their families and second preference to other low-income persons and their families. The projects would be required to be used for these purposes and other public purposes for 10 years from the date of conveyance.

The House committee agreed to the Senate provision eliminating the separate limitation of \$100,000,000 for farm-housing mortgages insured by the Federal Housing Administration. The committee report indicates that this action was taken to simplify administration.

No change was made by the House committee in the Senate provision authorizing expansion of, and making permanent, the public works advance planning program.

3. AIR POLLUTION. The Interstate and Foreign Commerce Committee reported with amendment S. 928, to provide research and technical assistance relating to air pollution control (H. Rept. 968) (p. 8061).

4. FABRICS. The Interstate and Foreign Commerce Committee reported without amendment H. R. 5222, to exempt from the Flammable Fabrics Act, scarves which do not present an unusual hazard (H. Rept. 969) (p. 8061).

5. RESERVE FORCES. The Armed Services Committee ordered reported without amendment H. R. 7000, "the new Armed Forces Reserve" bill (p. 1628).

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

Issued June 29, 1955

For actions of June 28, 1955

84th-1st, No. 109

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

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HIGHLIGHTS: Senate passed forest mining bill. Senate committee ordered reported bill to amend Farm Tenant Act. Both Houses passed measure to extend Defense Production Act through July. House debated mutual security bill. Both Houses agreed to conference report on selective service. House received conference report on Commerce appropriation bill. President approved Federal employees pay bill.

HOUSE

1. FOREIGN AID. Began debate on S. 2090, to amend the Mutual Security Act of 1951 (pp. 8014, 8025-51).

In reporting this bill, the committee added provisions to exempt the shipment of surplus agricultural commodities, either under the Mutual Security Act or Public Law 480, from the requirement that at least half of Government shipments must be made on U. S. flag vessels. The Senate provision would merely have modified present legislation to the extent of exempting shipments between foreign countries, under the mutual security program.

The committee report includes the following statement regarding the requirement for exportation of surplus agricultural commodities through the mutual security program:

"Existing law requires that not less than \$350 million of the funds made available pursuant to this act must be used to finance the export and sale for foreign currencies for surplus agricultural commodities. This subsection is so worded as to add \$250 million to this, making the total \$600 million, including last year's authorization. This means that \$600 million of fiscal 1955 and 1956 funds must be used only to finance surplus agricultural commodities. Present indications are that more than \$350 million of fiscal 1955 funds will be used for this purpose. As a consequence, it is probable that less than \$250 million will be used in this manner in fiscal 1956.

PROVIDING RESEARCH AND TECHNICAL ASSISTANCE RELATING TO AIR POLLUTION CONTROL

JUNE 28, 1955.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

MR. CARLYLE, from the Committee on Interstate and Foreign
Commerce, submitted the following

R E P O R T

[To accompany S. 928]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 928) to provide research and technical assistance relating to air pollution control, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

That in recognition of the dangers to the public health and welfare, injury to agricultural crops and livestock, damage to and deterioration of property, and hazards to air and ground transportation, from air pollution, it is hereby declared to be the policy of Congress to preserve and protect the primary responsibilities and rights of the States and local governments in controlling air pollution, to support and aid technical research to devise and develop methods of abating such pollution, and to provide Federal technical services and financial aid to State and local government air pollution control agencies and other public or private agencies and institutions in the formulation and execution of their air pollution abatement research programs. To this end, the Secretary of Health, Education, and Welfare and the Surgeon General of the Public Health Service (under the supervision and direction of the Secretary of Health, Education, and Welfare) shall have the authority relating to air pollution control vested in them respectively by this Act.

SEC. 2. (a) The Surgeon General is authorized, after careful investigation and in cooperation with other Federal agencies, with State and local government air pollution control agencies, with other public and private agencies and institutions, and with the industries involved, to prepare or recommend research programs for devising and developing methods for eliminating or reducing air pollution. For the purpose of this subsection the Surgeon General is authorized to make joint investigations with any such agencies or institutions.

(b) The Surgeon General may (1) encourage cooperative activities by State and local governments for the prevention and abatement of air pollution, (2) collect and disseminate information relating to air pollution and the prevention and abatement thereof; (3) conduct in the Public Health Service, and support and

aid the conduct by State and local government air pollution control agencies, and other public and private agencies and institutions of, technical research to devise and develop methods of preventing and abating air pollution, and (4) make available to State and local government air pollution control agencies, other public and private agencies and institutions, and industries, the results of surveys, studies, investigations, research, and experiments relating to air pollution and the prevention and abatement thereof.

SEC. 3. The Surgeon General may, upon request of any State or local government air pollution control agency, conduct investigations and research and make surveys concerning any specific problem of air pollution confronting such State or local government air pollution control agency with a view to recommending a solution of such problem.

SEC. 4. The Surgeon General shall prepare and publish from time to time reports of such surveys, studies, investigations, research, and experiments made under the authority of this Act as he may consider desirable, together with appropriate recommendations with regard to the control of air pollution.

SEC. 5. (a) There is hereby authorized to be appropriated to the Department of Health, Education, and Welfare for each of the five fiscal years during the period beginning July 1, 1955, and ending June 30, 1960, not to exceed \$5,000,000 to enable it to carry out its functions under this Act and, in furtherance of the policy declared in the first section of this Act, to (1) make grants-in-aid to State and local government air pollution control agencies, and other public and private agencies and institutions, and to individuals, for research, training, and demonstration projects, and (2) enter into contracts with public and private agencies and institutions and individuals for research, training, and demonstration projects. Such grants-in-aid and contracts may be made without regard to sections 3648 and 3709 of the Revised Statutes. Sums appropriated for such grants-in-aid and contracts shall remain available until expended, and shall be allotted by the Surgeon General in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare.

SEC. 6. When used in this Act—

(a) The term "State air pollution control agency" means the State health authority, except that in the case of any State in which there is a single State agency other than the State health authority charged with responsibility for enforcing State laws relating to the abatement of air pollution, it means such other State agency;

(b) The term "local government air pollution control agency" means a city, county, or other local government health authority, except that in the case of any city, county, or other local government in which there is a single agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the abatement of air pollution, it means such other agency; and

(c) The term "State" means a State or the District of Columbia.

SEC. 7. Nothing contained in this Act shall limit the authority of any department or agency of the United States to conduct or make grants-in-aid or contracts for research and experiments relating to air pollution under the authority of any other law.

PURPOSE OF BILL AS AMENDED

In recent years it has become increasingly evident that air pollution constitutes a danger to the public health and welfare, to agricultural crops and livestock, to property values, and to air and ground transportation. There is a great need to support and aid technical research to devise methods of abating air pollution.

The bill as amended recognizes that the control of air pollution is the primary responsibility of State and local governments, and that the role of the Federal Government should be limited to conducting research and providing technical services for and giving financial aid to those agencies and individuals who are concerned with air-pollution research and control.

The bill, as amended, would authorize the Secretary of Health, Education, and Welfare, through the Surgeon General of the Public Health Service, in cooperation with other Federal agencies, with State and local government air-pollution-control agencies, and with

other public and private agencies and institutions, to prepare and recommend research programs for devising and developing methods for eliminating or reducing air pollution.

The Surgeon General may (1) encourage cooperative activities by State and local governments for the prevention and abatement of air pollution; (2) collect and disseminate information relating to air pollution and the prevention and abatement thereof; (3) conduct in the Public Health Service, and support and aid the conduct by State and local government air-pollution control agencies, and other public and private agencies and institutions of technical research to devise and develop methods of preventing and abating air pollution; (4) make available to State and local government air-pollution-control agencies, and other public and private agencies and institutions the results of surveys, studies, investigations, research, and experiments relating to air pollution and the prevention and abatement thereof.

To enable it to carry out its function under this act, the bill as amended would authorize an appropriation of \$5 million to the Department of Health, Education, and Welfare for each of the 5 fiscal years beginning July 1, 1955, and ending June 30, 1960.

NEED FOR SUCH LEGISLATION

There is no doubt that the emission of fumes and particles into the air above heavily populated communities and industrial centers is causing a condition described in a variety of terms, including "smog" and "smaze."

While a few areas have attracted unusual attention because of air contamination the problem is rapidly becoming serious and causing alarm in many places. Tragic results have followed unexplained occurrences of fumes, fog, and murkiness in the past, as in the Meuse Valley in Belgium, in London, in Donora, Pa., and in Poza Rica, Mexico, during present history.

Considerable publicity has been given to "smog" sieges in Los Angeles and public officials have indicated fear that like conditions may be developing in such widely separated cities as New York and Cleveland.

Commendable efforts are being made in many communities to isolate the causes of air contamination and bring about control for protection of our people. However, the work underway at present is largely uncoordinated and in need of both acceleration and technical assistance. A solution of the problem is delayed by inadequate observations, insufficient exchange of data, and limited know-how, facilities, and funds.

FEDERAL ASSISTANCE POSSIBLE

There are a number of Federal agencies particularly qualified and equipped to conduct research into the problem of air pollution. Among these are the Weather Bureau, the Bureau of Mines, the Bureau of Standards, the National Institutes of Health, the Agricultural Research Service, and the Atomic Energy Commission.

It is the opinion of the committee that the Department of Health, Education, and Welfare can best coordinate efforts of Federal agencies and cooperate with and aid other bodies, State and local, public and

private, in formulating and carrying out research programs directed toward abatement of air pollution.

The laboratories of the Federal Government, the testing techniques, the records of weather conditions, the trained personnel, and the apparatus and equipment now in existence cannot be duplicated easily, quickly, or economically by any non-Federal agency seeking to counteract the air contamination menace.

Consequently, it is the opinion of the committee that the Federal Government should employ its resources to further the attack against pollution of the atmosphere.

It is the opinion of the committee that considerable time may be needed to produce useful results. Therefore, this bill authorizes a 5-year program of research and cooperation. A lesser period would be insufficient to test theories and make painstaking studies. In the opinion of the committee, authorization for Federal participation in the field of air-pollution research is of such great importance as to justify a specific authorizing statute.

PRESIDENT URGES FEDERAL ASSISTANCE

The President has recognized the serious nature of the air-pollution problem on several occasions. In his state of the Union message last January he said he would call on Congress to take appropriate action against this menace. In his special health message, he stated:

As a result of industrial growth and urban development, the atmosphere over some population centers may be approaching the limit of its ability to absorb air pollutants with safety to health. I am recommending an increased appropriation to the Public Health Service for studies seeking necessary scientific data and more effective methods of control.

In the fall of 1954 the Secretary of Health, Education, and Welfare, at the request of President Eisenhower, appointed an ad hoc Interdepartmental Committee on Community Air Pollution, composed of representatives of the Departments of Defense, Agriculture, Commerce, Interior, the Atomic Energy Commission, and the National Science Foundation, in addition to the Department of Health. Dr. Leonard A. Scheele, Surgeon General of the Public Health Service, was Chairman of the Committee. The Committee recommended legislation authorizing a broad Federal program of research and technical assistance in air pollution problems. The bill, as amended, is substantially in line with the recommendations of the ad hoc Committee.

CONCLUSION

The committee recognizes that it is the primary responsibility of State and local governments to prevent air pollution. The bill does not propose any exercise of police power by the Federal Government, and no provision in it invades the sovereignty of States, counties, or cities. There is no attempt to impose standards of purity.

At the same time, the program which would be made possible by this legislation should stimulate State and local agencies as well as aid them in dealing with phases of the problem with which they are most immediately concerned. The problem of research into the causes and ultimate elimination of air pollution is so complex and vast that it is not realistic to expect a solution through uncoordinated efforts of a multitude of agencies.

CHANGES MADE BY BILL AS AMENDED

The bill as passed by the Senate would have limited the Public Health Service to dealings with "educational institutions" in addition to specified official agencies. The committee felt it desirable that the authorization for such cooperation and support not be so limited but be extended to "private agencies and institutions," in order to include, for example, industry associations, research institutes and organizations, and foundations, since this would permit the use of additional available competence in the research program. Furthermore, the bill, as amended, includes specific language authorizing the Public Health Service to engage directly in research on air pollution problems as well as to support research by others.

The bill, as amended, would increase from \$3 million to \$5 million the limitation in the authorization for appropriation.

The bill, as amended, also eliminates the advisory board provided for in the bill as passed by the Senate because the committee agrees with the comments of the Department of Health, Education, and welfare that overall coordination of Federal effort can be achieved better by an interdepartmental committee established by executive action rather than through the use of a larger statutory advisory board. The functions of the non-Federal members of the advisory board would be discharged by selective consultants.

In addition, several clarifying changes have been made in the bill, as amended.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
June 21, 1955.

HON. J. PERCY PRIEST,

*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This letter is in response to your request of June 3, 1955, for a report on S. 928, a bill to provide research and technical assistance relating to air-pollution control.

The bill would state the Federal policy to be to preserve and protect the primary responsibility and rights of States and local governments in controlling air pollution, to support and aid technical research on methods of air-pollution abatement, and to provide technical services and financial aid to States, local governments, and public or private educational institutions, in the formulation and execution of their air pollution abatement research programs.

The Surgeon General would be authorized to prepare or recommend research programs, in cooperation with other official agencies and public and private educational institutions, for eliminating or reducing air pollution; to make joint investigations with such agencies and institutions; to collect and disseminate information relating to air pollution and its prevention and control; to support and aid (through grants, contracts, and otherwise) technical research by State and local government air-pollution-control agencies and public and private educational institutions; to make studies of specific problems of air pollution at the request of State or local government air-pollution-control agencies; and to publish reports of surveys, studies, investigations, research, and experiments together with recommendations with regard to the control of air pollution.

There would be established within the Public Health Service an Air Pollution Control Advisory Board composed of representatives of designated Federal agencies, and eight persons (not officers or employees of the Federal Government) to be appointed by the President.

The bill would authorize the appropriation of not to exceed \$3 million annually, for these various activities for each of the 5 fiscal years in the period beginning July 1, 1955, and ending June 30, 1960.

Within recent years, air pollution has increased rapidly and is now affecting the health, comfort, and welfare of the population in many urban and industrialized

communities. The publicity given to certain areas in which the problem has become critical only highlights a more general condition in many urban areas of the country. While considerable success has been attained by municipalities in the control of smoke, air pollution from other forms of particulate matter, vapors, and gases has increased in severity with the growth and greater technical complexity of economic and community activities. The control of air pollution is hampered by inadequate scientific knowledge concerning the production, nature, interactions, effects and dispersal of air pollutants, and by the lack of satisfactory control procedures in some cases.

There is in our opinion no question as to the desirability of legislation such as that proposed by S. 928, to authorize a broad Federal program of research and technical assistance to support and aid the States and local governments in their air-pollution-control activities. The Public Health Service is currently conducting and supporting air-pollution research under existing authorizations relating to health. There is need, however, for broader legislative authorization to encompass related community aspects of air pollution and need for further expansion of research and studies to overcome the deficiencies in technical knowledge required for effective control efforts.

Several other Federal agencies have responsibilities related to air pollution but not directly concerned with a program designed to extend technical assistance to public and private agencies and institutions. This bill makes it clear that it is not intended to supersede or limit these existing responsibilities.

To provide a close working relationship with these other agencies, we would propose the establishment, by executive action, of an interdepartmental advisory committee to assist in program planning and cooperative action. We believe that the overall coordination of Federal effort can be achieved better by such an interdepartmental committee than through the use of a larger statutory advisory board, as authorized in section 5 of the bill. The functions of the non-Federal members of the advisory board could be furnished by services of selected consultants. For these reasons, we suggest that section 5 of the bill, which would establish an Air Pollution Advisory Board, be deleted.

The 5-year period of support authorized in the bill for the conduct of the program is considered a minimum for the production of major research findings. Some useful results could be obtained in a briefer time but other studies, such as those concerned with the chronic health effects of air pollutants, are expected to require longer than a 5-year period. At least 2 years of concentrated effort will be required to build up to the desirable level of research activity. Thus while it is not considered feasible to accomplish the entire objective of the bill within the 5-year period authorized, the time limitation may serve a useful purpose in providing the occasion for a reappraisal of program toward the close of the 5-year period.

The reference to grants-in-aid to States in clause (1) of section 6 (a) of the bill is somewhat ambiguous and might be looked upon as authorizing formula grants to States. We recommend the deletion of this reference. The general authorization for grants to and contracts with State and local agencies, and other public agencies, and individuals for research, training, and demonstrations is more descriptive of the project grant type of authority which is desirable in this area at this time.

The authorizations in the bill for cooperation on air pollution research and for its support through grants and contracts would limit the Public Health Service to dealings with "educational institutions" in addition to specified official agencies. It would be desirable that the authorization for such cooperation and support not be so limited but be extended to include industry associations, research institutes, and foundations, since this would permit the use of additional available competence in the research program. It is suggested therefore that the limitation to educational institutions be removed.

We also believe that specific language authorizing the Public Health Service to engage directly in research on air-pollution problems should be included in order to make entirely clear the congressional intention that the Public Health Service conduct research in all the community aspects of air pollution, as well as make grants for and support research by others.

Many problems of community air pollution are of local character with pollutants consequently affecting only the localities in which they arise. In other cases, larger or regional areas may be affected. We would suggest, therefore, that the authorization for preparing or adopting comprehensive programs be made permissive rather than mandatory in order to obtain the flexibility of operations desirable.

The limitation of \$3 million annually in the authorization for appropriation, included in section 6, is not considered desirable. In the initial year of the program, it is unlikely that such a sum could be utilized efficiently. On the other hand, the overall research program will include many complex aspects involving the expenditure of considerable sums of money and will include projects extending over a considerable period of time such as those concerned with the chronic health effects of air pollutants. We recommend, therefore, that no appropriation limitation be included and that the financial control be exercised through the usual annual appropriation process.

In summary, this Department is in agreement with the purposes and principal provisions of the bill. We would therefore recommend that the bill, modified as suggested above, be enacted by the Congress.

For your convenience, there is enclosed a copy of an amended bill showing by brackets and underscoring the amendments needed to effectuate the modifications suggested above, together with a few other amendments of a technical or minor nature.

The Bureau of the Budget advises that it perceives no objection to the submission of this report to your committee.

Sincerely yours,

OVETA CULP HOBBY, *Secretary.*

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington 25, D. C., June 21, 1955.

HON. J. PERCY PRIEST,
*Chairman, Interstate and Foreign Commerce,
House of Representatives, Washington 25, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your letter of June 3, 1955, requesting the views of the Bureau of the Budget on S. 928, a bill to provide research and technical assistance relating to air-pollution control, and your earlier letters requesting our views on H. R. 835, H. R. 2129, H. R. 2888, and H. R. 3680, identical bills, to provide for intensified research into the causes, hazards, and effects of air pollution including research in means and methods of abating or controlling such pollution. The bills provide that such research may be undertaken cooperatively with a State, a local government or with other nonprofit institutions. Four-year research contracts are authorized with funds to be available for expenditure for a 5-year period. The Secretary would be required to disseminate, to industry and the general public, the results of such research. The bills further authorize the Secretary to utilize the facilities and personnel of other Federal and non-Federal agencies. Appropriations of not to exceed \$5 million to carry out the program are also authorized.

S. 928 embodies objectives which are similar to those of the aforementioned measures. This proposal defines the Federal policy of supporting the primary responsibilities of the State and local governments in controlling air pollution. To this end the proposed legislation authorizes the Secretary of Health, Education, and Welfare and the Surgeon General to support and aid technical research on methods of air pollution abatement and to provide technical assistance and financial aid to State and local governments, educational institutions in the formulation and execution of their air-pollution-abatement research programs. The bill would direct the Surgeon General to prepare or recommend comprehensive air-pollution-research programs. In addition the Surgeon General is authorized to encourage cooperative activities with State and local governments, to collect and disseminate information, and render other appropriate assistance. The bill also authorizes the support of research, training, and demonstration projects by State and local air-pollution-control agencies and by educational institutions. The bill would provide for the establishment of a 15-member Air Pollution Control Advisory Board to review and make recommendations on the policies and programs provided for in this measure. The proposal would authorize appropriations of not to exceed \$3 million for each of the 5 years provided for in this act.

It is recognized that the primary responsibility for the conduct of air-pollution-abatement programs rests with the States and local governments. The role of the Federal Government has been and should be concerned primarily with the research effort seeking necessary scientific data and more effective methods of control. In support of this role, the President, in his budget, recommended increased funds for the Public Health Service for research into the health aspects of the air-pollution problem. To the extent that this legislative proposal would strengthen this policy by providing broader research authority and by providing

for increased cooperation between the Federal Government and State and local authorities, the Bureau of the Budget believes that enactment would aid in solving problems of air pollution.

There are, however, several recommended changes which we believe would serve to better define the responsibilities of the Federal Government in the air-pollution research program. In this regard your attention is called to the provisions of section 6 of S. 928 which authorize grants-in-aid to State and local government air-pollution-control agencies. The concept of grant-in-aid usually involves the payment of Federal moneys to all States based upon formula principle. Since the scope and nature of air-pollution problems vary from State to State, the legislation should clearly indicate that Federal grants would be made on the basis of specific project proposals. We believe that a grant-in-aid program for all States, some of which may have but limited interest or need, would be far less desirable than the more flexible authority contained in clause (2) of section 6. To clarify this point, it is recommended that clause (1) of section 6 be deleted and clause (2) amended to include grants in addition to contracts. The project grants thus authorized in clause (2) of section 6 would include grants to State or local agencies and would facilitate a high degree of cooperation and coordination without extending the scope of the Federal interest to the financing local abatement programs.

With reference to section 5 of S. 928 which provides for the establishment of an Air Pollution Control Advisory Board, this Bureau believes that while such a board would assist in the overall coordination of efforts, its establishment may best be accomplished administratively with sufficient flexibility to meet changing needs. We recommend that appropriations for the activities proposed in these measures be treated in the same manner as those of similar activities for which annual appropriations are authorized. Thus, we recommend deletion of the provision for appropriations to remain available until expended in section 6 of S. 928. Similarly, we would question the need or advisability of the provisions of section 3 of H. R. 835, H. R. 2129, H. R. 2888, and H. R. 3680 which continues the availability of unexpended balances for 5 years before being covered into the general funds of the Treasury. Current Treasury practice, in conformity with the Surplus-Fund Certified Claims Act of 1949, provides for transfer of unexpended balances 2 years after the end of the fiscal year for which the appropriations were made.

In general, the Bureau of the Budget is in agreement with the objectives of these bills and, subject to the modifications noted above, there would be no objection to enactment of S. 928, H. R. 835, H. R. 2129, H. R. 2888, or H. R. 3680.

Sincerely yours,

DONALD R. BELCHER,
Assistant Director.

THE SECRETARY OF COMMERCE,
Washington, June 7, 1955.

HON. J. PERCY PRIEST,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This letter is in reply to your request of June 3, 1955, for the views of this Department with respect to Senate 928, an act to amend the Water Pollution Control Act in order to provide for the control of air pollution.

This Department feels that intensified research into the causes, hazards, and effects of air pollution, and into means for its control and abatement is definitely in order and should be undertaken. Although air pollution can be considered to be a local problem in many cases, there are many instances when it affects a large section of a State or becomes an interstate problem—even an international problem at times. Because of its broad scope and importance it is essential that the Federal Government organize and conduct a basic air-pollution investigation so that appropriate advice for control of air pollution may be made available for dissemination to interested agencies and individuals engrossed in air pollution problems. For these reasons we recommend enactment of legislation for the purpose of Senate 928.

We have been advised by the Bureau of the Budget that it would interpose no objection to the submission of this report to your committee.

Sincerely yours,

SINCLAIR WEEKS, *Secretary of Commerce.*

84TH CONGRESS
1ST SESSION

S. 928

[Report No. 968]

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 1955

Referred to the Committee on Interstate and Foreign Commerce

JUNE 28, 1955

Reported with an amendment, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To provide research and technical assistance relating to air
pollution control.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That in recognition of the dangers to the public health and
4 welfare from air pollution, it is hereby declared to be the
5 policy of Congress to preserve and protect the primary re-
6 sponsibilities and rights of the States and local governments
7 in controlling air pollution, to support and aid technical
8 research to devise and develop methods of abating such pol-
9 lution, and to provide Federal technical services and finan-
10 cial aid to State and local government air pollution control
11 agencies and public or private educational institutions in

1 the formulation and execution of their air pollution abate-
2 ment research programs. To this end, the Secretary of
3 Health, Education, and Welfare and the Surgeon General of
4 the Public Health Service (under the supervision and direc-
5 tion of the Secretary of Health, Education, and Welfare)
6 shall have the authority relating to air pollution control
7 vested in them respectively by this title.

8 SEC. 2. (a) The Surgeon General is authorized and
9 directed after careful investigation and in cooperation with
10 other Federal agencies, with State and local government air
11 pollution control agencies, with public and private educa-
12 tional institutions, to prepare or recommend research pro-
13 grams for eliminating or reducing air pollution. For the pur-
14 pose of this subsection the Surgeon General is authorized to
15 make joint investigations with any such agencies or insti-
16 tutions.

17 (b) The Surgeon General may encourage cooperative
18 activities by State and local governments for the prevention
19 and abatement of air pollution; collect and disseminate in-
20 formation relating to air pollution and the prevention and
21 abatement thereof; support and aid technical research by
22 State and local government air pollution control agencies,
23 public and private educational institutions, to devise and
24 develop methods of preventing and abating air pollution;
25 make available to State and local government air pollution

1 control agencies, public and private educational institutions,
2 the results of surveys, studies, investigations, research, and
3 experiments relating to air pollution and the prevention and
4 abatement thereof conducted by the Surgeon General and
5 by authorized cooperating agencies; and furnish such other
6 assistance to State and local government air pollution con-
7 trol agencies, public and private educational institutions, as
8 may be authorized by law in order to carry out the policy of
9 this Act.

10 SEC. 3. The Surgeon General may, upon request of any
11 State or local government air pollution control agency, con-
12 duct investigations and research and make surveys concern-
13 ing any specific problem of air pollution confronting such
14 State or local government air pollution control agency with a
15 view to recommending a solution of such problem.

16 SEC. 4. The Surgeon General shall prepare and publish
17 from time to time reports of such surveys, studies, investiga-
18 tions, research, and experiments made under the authority of
19 this title as he may consider desirable, together with appro-
20 priate recommendations with regard to the control of air
21 pollution.

22 SEC. 5. There is hereby established within the Public
23 Health Service an Air Pollution Control Advisory Board
24 (hereinafter referred to as the "Board") to be composed
25 as follows: The Surgeon General or a sanitary engineer offi-

1 eer designated by him; who shall be Chairman of the Board,
2 a representative of the Department of Defense; a representa-
3 tive of the Department of the Interior; a representative of
4 the Department of Agriculture; a representative of the
5 Department of Commerce; a representative of the Atomic
6 Energy Commission; and a representative of the National
7 Science Foundation; designated respectively by the Secre-
8 tary of Defense, the Secretary of the Interior, the Secre-
9 tary of Agriculture, the Secretary of Commerce, the Chair-
10 man of the Atomic Energy Commission, and the Director
11 of the National Science Foundation; and eight persons (not
12 officers or employees of the Federal Government) to be ap-
13 pointed annually by the President. One of the persons ap-
14 pointed by the President shall be an engineer who is an
15 expert in air pollution control and prevention, one shall be
16 a person who has shown an active interest in the field of air
17 pollution, and, except, as the President may determine that
18 the purposes of this title will be promoted by different repre-
19 sentation, one shall be a person representative of State
20 government, one shall be a person representative of municipi-
21 pal government, and one shall be a person representative
22 of local or county government. The members of the Board
23 who are not officers or employees of the United States
24 shall be entitled to receive compensation at a per diem rate
25 to be fixed by the Secretary of Health, Education, and Wel-

1 fare, together with an allowance for actual and necessary
2 traveling and subsistence expenses while engaged in the
3 business of the Board. The Board shall meet at the call of
4 the Surgeon General. It shall be the duty of the Board to
5 review the policies and programs of the Surgeon General as
6 undertaken under authority of this Act, and to make recom-
7 mendations thereon in reports to the Surgeon General. Such
8 clerical and technical assistance as may be necessary to dis-
9 charge the duties of the Board shall be provided from the
10 personnel of the Public Health Service.

11 SEC. 6. (a) There is hereby authorized to be appropri-
12 ated to the Department of Health, Education, and Welfare
13 for each of the five fiscal years during the period beginning
14 July 1, 1955, and ending June 30, 1960, not to exceed
15 \$3,000,000 to enable it to carry out its functions under this
16 Act and to (1) make grants-in-aid to States, for expendi-
17 ture by or under the direction of their respective State and
18 local government air pollution control agencies, and to public
19 and private educational institutions for research, training,
20 and demonstration projects, and (2) or to enter into con-
21 tract with public and private educational institutions for
22 research, training and demonstration projects. Such grants-
23 in-aid and contracts may be made without regard to sections
24 3648 and 3709 of the Revised Statutes. Sums appro-

1 priated pursuant to this subsection shall remain available
2 until expended, and shall be allotted by the Surgeon General
3 in accordance with regulations prescribed by the Secretary of
4 Health, Education, and Welfare.

5 SEC. 7. When used in this Act—

6 (a) the term “State air pollution control agency” means
7 the State health authority, except that in the case of any
8 State in which there is a single State agency other than
9 the State health authority charged with responsibility for
10 enforcing State laws relating to the abatement of air pollu-
11 tion, it means such other State agency;

12 (b) the term “local government air pollution control
13 agency” means a city or other local government health
14 authority, except that in the case of any city or other local
15 government in which there is a single agency other than
16 the health authority charged with responsibility for en-
17 forcing ordinances or laws relating to the abatement of air
18 pollution, it means such other agency; and

19 (c) the term “State” means a State or the District of
20 Columbia.

21 SEC. 8. Nothing contained in this Act shall affect any
22 other law relating to air pollution unless such other law is
23 manifestly inconsistent with the provisions of this Act.
24 Nothing contained in this Act shall limit the authority of
25 any department or agency of the United States to conduct

1 research and experiments relating to air pollution under
2 the authority of any other law.

3 *That in recognition of the dangers to the public health and*
4 *welfare, injury to agricultural crops and livestock, dam-*
5 *age to and deterioration of property, and hazards to air and*
6 *ground transportation, from air pollution, it is hereby de-*
7 *clared to be the policy of Congress to preserve and protect*
8 *the primary responsibilities and rights of the States and local*
9 *governments in controlling air pollution, to support and aid*
10 *technical research to devise and develop methods of abating*
11 *such pollution, and to provide Federal technical services and*
12 *financial aid to State and local government air pollution con-*
13 *trol agencies and other public or private agencies and insti-*
14 *tutions in the formulation and execution of their air pollution*
15 *abatement research programs. To this end, the Secretary of*
16 *Health, Education, and Welfare and the Surgeon General of*
17 *the Public Health Service (under the supervision and direc-*
18 *tion of the Secretary of Health, Education, and Welfare)*
19 *shall have the authority relating to air pollution control vested*
20 *in them respectively by this Act.*

21 *SEC. 2. (a) The Surgeon General is authorized, after*
22 *careful investigation and in cooperation with other Federal*
23 *agencies, with State and local government air pollution con-*
24 *trol agencies, with other public and private agencies and*
25 *institutions, and with the industries involved, to prepare or*

1 recommend research programs for devising and developing
2 methods for eliminating or reducing air pollution. For the
3 purpose of this subsection the Surgeon General is authorized
4 to make joint investigations with any such agencies or
5 institutions.

6 (b) The Surgeon General may (1) encourage coopera-
7 tive activities by State and local governments for the preven-
8 tion and abatement of air pollution; (2) collect and dis-
9 seminate information relating to air pollution and the pre-
10 vention and abatement thereof; (3) conduct in the Public
11 Health Service, and support and aid the conduct by State
12 and local government air pollution control agencies, and
13 other public and private agencies and institutions of, technical
14 research to devise and develop methods of preventing and
15 abating air pollution; and (4) make available to State and
16 local government air pollution control agencies, other public
17 and private agencies and institutions, and industries, the
18 results of surveys, studies, investigations, research, and ex-
19 periments relating to air pollution and the prevention and
20 abatement thereof.

21 SEC. 3. The Surgeon General may, upon request of
22 any State or local government air pollution control agency,
23 conduct investigations and research and make surveys con-
24 cerning any specific problem of air pollution confronting such

1 *State or local government air pollution control agency with*
2 *a view to recommending a solution of such problem.*

3 *SEC. 4. The Surgeon General shall prepare and pub-*
4 *lish from time to time reports of such surveys, studies, inves-*
5 *tigations, research, and experiments made under the authority*
6 *of this Act as he may consider desirable, together with appro-*
7 *priate recommendations with regard to the control of air*
8 *pollution.*

9 *SEC. 5. (a) There is hereby authorized to be appro-*
10 *priated to the Department of Health, Education, and Wel-*
11 *fare for each of the five fiscal years during the period*
12 *beginning July 1, 1955, and ending June 30, 1960, not to*
13 *exceed \$5,000,000 to enable it to carry out its functions*
14 *under this Act and, in furtherance of the policy declared in*
15 *the first section of this Act, to (1) make grants-in-aid to*
16 *State and local government air pollution control agencies,*
17 *and other public and private agencies and institutions, and*
18 *to individuals, for research, training, and demonstration proj-*
19 *ects, and (2) enter into contracts with public and private*
20 *agencies and institutions and individuals for research, train-*
21 *ing, and demonstration projects. Such grants-in-aid and*
22 *contracts may be made without regard to sections 3648 and*
23 *3709 of the Revised Statutes. Sums appropriated for such*
24 *grants-in-aid and contracts shall remain available until ex-*

1 *pending, and shall be allotted by the Surgeon General in*
2 *accordance with regulations prescribed by the Secretary of*
3 *Health, Education, and Welfare.*

4 *SEC. 6. When used in this Act—*

5 *(a) The term “State air pollution control agency”*
6 *means the State health authority, except that in the case of*
7 *any State in which there is a single State agency other than*
8 *the State health authority charged with responsibility for*
9 *enforcing State laws relating to the abatement of air pol-*
10 *lution, it means such other State agency;*

11 *(b) The term “local government air pollution control*
12 *agency” means a city, county, or other local government*
13 *health authority, except that in the case of any city, county,*
14 *or other local government in which there is a single agency*
15 *other than the health authority charged with responsibility for*
16 *enforcing ordinances or laws relating to the abatement of air*
17 *pollution, it means such other other agency; and*

18 *(c) The term “State” means a State or the District of*
19 *Columbia.*

20 *SEC. 7. Nothing contained in this Act shall limit the*
21 *authority of any department or agency of the United States*
22 *to conduct or make grants-in-aid or contracts for research*

- 1 *and experiments relating to air pollution under the authority*
- 2 *of any other law.*

Passed the Senate May 31 (legislative day, May 2),
1955.

Attest:

FELTON M. JOHNSTON,

Secretary.

84TH CONGRESS
1ST SESSION

S. 928

[Report No. 968]

AN ACT

To provide research and technical assistance
relating to air pollution control.

JUNE 1, 1955

Referred to the Committee on Interstate and Foreign
Commerce

JUNE 28, 1955

Reported with an amendment, committed to the Com-
mittee of the Whole House on the State of the
Union, and ordered to be printed

12. AIR POLLUTION. Passed with amendment S. 928, to provide for research on, and control of, air pollution (pp. 8509-11). For provisions of the bill, see Digest 112.
13. WHEAT. Both Houses received from the Secretary of Agriculture a letter recommending that the present exemption of durum wheat from marketing quotas be extended for one year, that wheat growers be exempted from marketing quota penalties if all of the wheat produced on their farm is used for food, feed, or seed on the farm where produced, that expansion of the non-commercial wheat areas beyond the present 12 States be authorized, that the Secretary of Agriculture be authorized to dispose of not to exceed 100 million bushels annually of low grade wheat for feed at prices 10% above the support price for corn, and (although this can be done administratively) that the Department be authorized to discount for price supports certain varieties of wheat, especially those suitable primarily for feed purposes. Referred to the Agriculture Committee (pp. 8426, 8526).
14. LANDS. Passed over without prejudice H. R. 4280, directing the Secretary of Agriculture to transfer certain submarginal lands to Clemson College, at the request of Rep. Cunningham (pp. 8477-8).

The Interior and Insular Affairs Committee ordered the following bills reported: S. 1878, to extend for five years the authority to convey to Miles City, Mont., certain ARS lands in Custer County; S. 2097, to authorize the transfer to the Agriculture Department, for research purposes, of certain real property in St. Croix, V. I.; H. R. 4096, amended, to provide for the disposal of public lands within highway, telephone, and pipeline withdrawals in Alaska; and H. R. 4308, amended, for the relief of desert-land entrymen whose entries are dependent upon percolating waters for reclamation (p. D659).
15. FOODS; ANIMAL DISEASES. Passed over without prejudice H. R. 6991, to revise, codify, and enact into positive law title 21 of the United States Code, "Food, Drugs, and Cosmetics," at the request of Rep. Cunningham (p. 8482).
16. FARM LABOR. Rep. Rogers, Colo., gave notice that he intended to offer an amendment to H. R. 3822, the Mexican farm labor bill, when it is debated. The proposed amendment would provide for regulation of transportation of Mexican farm laborers (p. 8470).
17. APPROPRIATIONS. Received from the President a supplemental appropriation estimate for the Labor Department for the Mexican farm labor program (H. Doc. 20Q) (June 29.)
18. STATE COMPACTS. Passed without amendment S. 1007, in lieu of H. R. 3758, to provide that GSA receive authenticated copies of compact entered into between the States (pp. 8471-2). This bill is now ready for the President.
19. PAPERWORK STUDIES. Agreed to H. Res. 262, with amendments, providing that the House Administration Committee instead of the Subcommittee on Printing make studies of unnecessary Government printing and paperwork (pp. 8524-5).
20. SOIL SURVEYS. Both Houses received a report from the Secretary of the Interior on soil survey and land classification of the lands to be benefited by the rehabilitation of major facilities of the Medford and Rogue River Valley Irrigation Districts, Oregon. Referred to the Appropriations Committee (pp. 8427, 8526).

21. CIVIL DEFENSE. Received the fourth annual report of the Federal Civil Defense Administration. Referred to the Armed Services Committee (np. 8526-7).
22. LEGISLATIVE PROGRAM. The "Daily Digest" states: On Wed., July 6, "the House will consider ... H. R. 6059, to authorize the President to enter into trade agreements with the Philippines and revise the 1946 Trade Agreement between the two countries; and also may act on H. R. 3822, to extend the Mexican farm labor program." (p. D659.)

BILLS INTRODUCED

23. EDUCATION; INFORMATION. S. 2410, by Sen. Smith, N. J., (for himself and others) to promote the foreign policy of the United States by amending the United States Information and Educational Exchange Act of 1948 (Public Law 402, 80th Cong.); to Foreign Relations Committee (p. 8427). Remarks of author (pp. 8431-3).
24. MINERALS. S. 2415, by Sen. Bible, to amend the Domestic Minerals Program Extension Act of 1953 in order to extend the programs to encourage the discovery, development, and production of certain domestic minerals; to Interior and Insular Affairs Committee (p. 8427).
25. LIVESTOCK. H. R. 7173, by Rep. Willis, to amend section 302 of the Packers and Stockyards Act of 1921 so as to make such act inapplicable to stockyards which engage exclusively in the sale of livestock on commission at public auction; to Agriculture Committee (p. 8527).

ITEMS IN APPENDIX

26. FOREIGN TRADE. Sen. Lehman stated that the "defense essentiality" provision of the Reciprocal Trade Extension Act has been used as a justification for the increased tariff on Swiss watches, and inserted some New York Journal of Commerce articles maintaining that watches are not essential to national defense (pp. A4859-61).
- Rep. Jonas inserted a Charlotte, N. C., Chamber of Commerce resolution condemning recent tariff cuts in Japanese textiles (p. A4869).

27. RECLAMATION; ELECTRIFICATION. Rep. Johnson, Wis., inserted an article from an REA journal describing an all-electric farm in Barron County, Wis. (p. A4862).

Rep. Wilson, Calif., inserted an article by Rep. Hosmer giving strong arguments against the proposed Echo Park and Glen Park power projects, a part of the Colorado River storage project (pp. A4862-3).

Rep. Lipscomb inserted a report by the Washington research office of the Council of State Chambers of Commerce which terms the Colorado River storage project "one of the most expensive but least economic water resource projects ever enacted upon by Congress", and gives estimates of each State's share of the cost of this project (pp. A4863-5).

Rep. Dawson inserted a St. Louis Post-Dispatch article urging authorization of the upper Colorado River storage project in view of the elimination of the Echo Park Dam (p. A4882). He also inserted a Washington Post article along the same lines (pp. A4892-3).

Rep. Evins inserted Brew Pearson's article describing a "secret meeting" of top Government officials which preceded the President's recent decision to investigate the Dixon-Yates power contract (pp. A4866-7).

Rep. Hosmer inserted articles from newspapers in Idaho (p. A4881), Wisconsin (pp. A4882-3), and South Carolina (pp. A4889-90), criticizing the upper Colorado River storage project.

RESEARCH AND TECHNICAL ASSISTANCE RELATING TO AIR POLLUTION CONTROL

Mr. PRIEST. Mr. Speaker, I move to suspend the rules and pass the bill (S. 928) to provide research and technical assistance relating to air pollution control, as amended.

The Clerk read, as follows:

Be it enacted, etc., That in recognition of the dangers to the public health and welfare, injury to agricultural crops and livestock, damage to and deterioration of property, and hazards to air and ground transportation, from air pollution, it is hereby declared to be the policy of Congress to preserve and protect the primary responsibilities and rights of the States and local governments in controlling air pollution, to support and aid technical research to devise and develop methods of abating such pollution, and to provide Federal technical services and financial aid to State and local governments air pollution control agencies and other public or private agencies and institutions in the formulation and execution of their air pollution abatement research programs. To this end, the Secretary of Health, Education, and Welfare and the Surgeon General of the Public Health Service (under the supervision and direction of the Secretary of Health, Education, and Welfare) shall have the authority relating to air pollution control vested in them respectively by this act.

SEC. 2. (a) The Surgeon General is authorized, after careful investigation and in cooperation with other Federal agencies, with State and local government air pollution control agencies, with other public and private agencies and institutions, and with the industries involved, to prepare or recommend research programs for devising and developing methods for eliminating or reducing air pollution. For the purpose of this subsection the Surgeon General is authorized to make joint investigations with any such agencies or institutions.

(b) The Surgeon General may (1) encourage cooperative activities by State and local governments for the prevention and abatement of air pollution; (2) collect and disseminate information relating to air pollution and the prevention and abatement thereof; (3) conduct in the Public Health Service, and support and aid the conduct by State and local government air pollution control agencies, and other public and private agencies and institutions of, technical research to devise and develop methods of preventing and abating air pollution; and (4) make available to State and local government air pollution control agencies, other public and private agencies and institutions, and industries, the results of surveys, studies, investigations, research, and experiments relating to air pollution and the prevention and abatement thereof.

SEC. 3. The Surgeon General may, upon request of any State or local government air pollution control agency, conduct investigations and research and make surveys concerning any specific problem of air pollution confronting such State or local government air pollution control agency with a view to recommending a solution of such problem.

SEC. 4. The Surgeon General shall prepare and publish from time to time reports of such surveys, studies, investigations, research, and experiments made under the authority of this act as he may consider desirable, together with appropriate recommendations with regard to the control of air pollution.

SEC. 5. (a) There is hereby authorized to be appropriated to the Department of Health, Education, and Welfare for each of the 5 fiscal years during the period beginning July 1, 1955, and ending June 30, 1960, not to exceed \$5 million to enable it to carry out its

functions under this act and, in furtherance of the policy declared in the first section of this act, to (1) make grants-in-aid to State and local government air pollution control agencies, and other public and private agencies and institutions, and to individuals, for research, training, and demonstration projects, and (2) enter into contracts with public and private agencies and institutions and individuals for research, training, and demonstration projects. Such grants-in-aid and contracts may be made without regard to sections 3648 and 3709 of the Revised Statutes. Sums appropriated for such grants-in-aid and contracts shall remain available until expended, and shall be allotted by the Surgeon General in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare.

SEC. 6. When used in this act—

(a) The term "State air pollution control agency" means the State health authority, except that in the case of any State in which there is a single State agency other than the State health authority charged with responsibility for enforcing State laws relating to the abatement of air pollution, it means such other State agency;

(b) The term "local government air pollution control agency" means a city, county, or other local government health authority, except that in the case of any city, county, or other local government in which there is a single agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the abatement of air pollution, it means such other other agency; and

(c) The term "State" means a State or the District of Columbia.

SEC. 7. Nothing contained in this act shall limit the authority of any department or agency of the United States to conduct or make grants-in-aid or contracts for research and experiments relating to air pollution under the authority of any other law.

The SPEAKER. Is a second demanded?

Mr. O'HARA of Minnesota. Mr. Speaker, I demand a second.

Mr. PRIEST. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. PRIEST. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, for quite some time the Congress has been aware of the dangers to the public health, to agriculture, and livestock, to property values, and air and ground navigation of what we know broadly as air pollution.

A great deal of technical research is necessary in order to be able to cope with a problem that is as complex as this one is. The bill that is reported today for consideration is a bill passed by the other body with an amendment adopted by the Committee on Interstate and Foreign Commerce without any opposition.

Mr. Speaker, the bill first of all recognizes that the control of air pollution primarily is a State responsibility, is a function of State and local governments. The committee, however, having studied this matter, not only during the current session of Congress but in previous sessions of Congress, feels also that the Federal Government has a stake in this question, that it may well conduct research, provide technical services and some financial aid to agencies and in-

dividuals concerned with the problem of air pollution.

The pending bill as amended, would do simply this, Mr. Speaker. It authorizes the Secretary of Health, Education, and Welfare, acting through the Surgeon General of the Public Health Service, and in cooperation with other Federal agencies and with State and local governmental agencies and with other public and private agencies or institutions, to prepare, recommend, and carry out a program in the study of air pollution. It authorizes an appropriation of \$5 million for each of 5 consecutive years.

It was felt by the committee, on the basis of studies our committee has made in the past, that this is a program that cannot be completed quickly. It is one that will require a rather considerable period of time. This \$5 million appropriation may be allotted by the Surgeon General to public or private institutions or foundations or agencies of Government for the purpose of doing research in this field of air pollution under regulations that shall be prescribed by the Secretary of Health, Education, and Welfare. Other Government agencies, of course, are interested in this problem. The Weather Bureau in recent months has shown a great deal of interest in the question of air pollution. The Department of Agriculture, the Bureau of Mines and Mining, the Atomic Energy Commission, all of these agencies have devoted some study to this complex subject within recent months.

Mr. O'HARA of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. PRIEST. I yield to the gentleman from Minnesota, my colleague on the committee.

Mr. O'HARA of Minnesota. May I call the gentleman's attention to the fact that the bill authorizes private industry to participate in this problem, and of course it is true that private industry has spent a great deal of time and money in the investigation in this field. They are one of the elements that are to be considered in this study.

Mr. PRIEST. The gentleman is quite correct. I was coming to that just a little later in explaining the difference between the House bill and the Senate bill, because the Senate bill did not provide for industrial organizations that are interested in the problem and many of them are greatly interested in doing something about the growing problem. The House bill does provide that they may be included. However, it was felt, Mr. Speaker, that in order to have a coordinated program there should be one directing agency of the Government, and it was felt by the committee that the Public Health Service should be that directing agency.

It may take all of the 5-year period before any recommendations are made generally to the public and to industry and to other governmental agencies. The problem is a very complex and vast one. It should not be attempted without a coordinated effort by many different agencies of both the Federal and the State Governments and private agen-

cies and institutions who may have an interest in the subject.

I should explain briefly the changes from the Senate bill. The Senate bill limited the Public Health Service to dealing with educational institutions. The House bill lifted that limitation and provided in addition that grants may be made and technical help given to private institutions and agencies or to industrial groups, and many of them face a real problem in this respect.

The bill was amended by the House committee to change the appropriation from \$3 million a year over a 5-year period to \$5 million a year over a 5-year period, believing that the problem was of sufficient importance to justify this additional amount.

The amendment, added by the House, which struck out all after the enacting clause of the Senate bill, also eliminated a special advisory commission that had been set up in the other bill. The reason for that, as the House committee saw it, was that we believe that an overall coordination of Federal effort in the question of control of air pollution can best be achieved by an interdepartmental committee of the agencies that are dealing with this problem, that already have given it some study, and that, therefore, it is better to eliminate the advisory board as it was contained in the bill passed by the other body and simply rely upon an interdepartmental committee or board in making these plans.

Mr. BASS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. PRIEST. I yield.

Mr. BASS of Tennessee. I commend my distinguished colleague from Tennessee and my friend on the fine statement he has made on this bill, and for bringing this important bill before the House. It certainly is a very vital subject, one in which we are vitally interested in some areas of Tennessee, particularly in the chemical industry area of our State. I join in the gentleman's remarks, and certainly hope this bill will receive favorable consideration.

Mr. PRIEST. I thank my colleague. I am aware of some difficulties in connection with at least two chemical plants which are located in the gentleman's district. One of these companies operates a plant in my own district. That is true throughout the United States. It is not a local problem, it is a national problem. We feel this modest appropriation of \$5 million over a period of 5 years will help to coordinate this study and to make it really effective in meeting the problem of air pollution.

Mr. BASS of Tennessee. Five million dollars is certainly a nominal sum when we think of the benefits that may come in increased production in agriculture and livestock, which is now being contaminated in certain areas.

(Mr. PRIEST asked and was given permission to revise and extend his remarks.)

Mr. O'HARA of Minnesota. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. RAY].

(Mr. RAY asked and was given permission to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, I am glad to have a chance to support this bill to provide for research on the causes, hazards, and control of air pollution and to bring to Members of this body some information about the experience of one congressional district with the growing problem of air pollution.

One-half of the district which I represent is Staten Island, the most southerly county in the State of New York and also 1 of the 5 counties which constitute the city of New York. Although the whole island is in the city of New York, we do have nurseries, vegetable farms, and quite a few other uses of land for agriculture by people who depend on that for their living.

To the west, across a narrow strip of water is the State of New Jersey. On both sides of that strip of water are industrial plants. When the wind is from the northwest, the smoke and all that is in that smoke, comes over Staten Island. When the wind blows from the east the effects are felt in the opposite direction. The stock of nurserymen has been damaged and in many cases the entire crop of the people who grow flowers for the market has been destroyed. Vegetable growers have often lost much of their crops overnight.

It is very difficult to find out what chemicals cause this damage. Moisture affects it. The wind direction and velocity affect it. Some of the pollutants come from industrial plants and some from the exhausts of automobiles, busses, trailer trucks—and some from home oil burners and incinerators, and so on. We have been working on this problem for more than 20 years without finding the answer.

Three years ago the House passed a bill for research of this kind. It failed to get unanimous consent in the other body and did not pass there. I introduced a similar bill in 1953 and a revised bill drawn with the help of the Public Health Service in the last session of Congress. In this session of the Congress I have introduced a bill very much like the one that has now come out of the committee. Companion bills were introduced by the gentleman from New Jersey [Mr. WILLIAMS] and the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. TUMULTY. Mr. Speaker, will the gentleman yield?

Mr. RAY. I yield.

Mr. TUMULTY. I am a resident of Jersey City, and our studies show that air pollution generally comes from the State of New York.

Mr. RAY. All I am trying to show is that it is an interstate problem.

Mr. TUMULTY. That is quite agreeable, but suppose you concede its origin.

Mr. RAY. I can make that concession with respect to the north, but further south the situation is different.

Mr. TUMULTY. Any way you want, but the origin still remains the same.

Mr. RAY. The States of New York and New Jersey have just organized an interstate commission and authorized it to make a preliminary study in the field. There are local air-pollution boards in New York and in cities on the Jersey

shore. But they cannot deal with the whole problem, because interstate features are involved. The States cannot cross State lines, and the cities cannot go outside their own jurisdiction.

Beyond that it is important to have coordination of the work that is being done all over the country. There are many places where research on air pollution is underway. Industry has spent several hundreds of millions of dollars in an effort to find the causes and the possible controls of air pollution.

Mr. Speaker, I hope this bill will pass by a large majority.

Mr. O'HARA of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. RAY. I yield.

Mr. O'HARA of Minnesota. I commend the gentleman on his interest in this subject. I recall when the distinguished gentleman first came to Congress he spoke to me because of the fact I was a member of the Committee on Interstate and Foreign Commerce, and he told me of his great interest in the problem as it affects his district, the State of New York, and the State of New Jersey, which is adjacent to his district. I do know the gentleman has spent a great deal of his personal time in investigating the problem in his district, as it affects his district. I do know that the gentleman has spent a great deal of time in research and in efforts to get legislative action on this bill. I want to compliment the gentleman upon his real and sincere interest in this problem.

Mr. RAY. I thank you, sir.

Mr. VANIK. Mr. Speaker, I am indeed happy to associate myself with the remarks made by my colleagues in support of this important legislation.

The 21st District of Ohio, which I represent, is situated principally on the east side of Cleveland, and my entire district is subject to the tremendous pollution of air which emanates from the industrial Cuyahoga River Valley in the heart of Cleveland. This contamination of air is general throughout the entire eastern portion of the city and the downtown area. The damage to public health and property is beyond estimation.

Several years ago, in 1950, the Southeast Cleveland Citizens Committee on Air Pollution brought Dr. Clarence A. Mills to the city to make a study as to the deterrent effects of industrial contamination of the air on the east side of Cleveland. Dr. Mills was then on the staff of the School of Experimental Medicine of the University of Cincinnati. Dr. Mills spent many weeks in Cleveland and from a comprehensive study he made on the vital statistics of cancer deaths resulting from lung cancer, he concluded that in the residential areas close to the center of the city there were 240 more deaths per year resulting from lung cancer than there were in the cleaner sections of the city. His information was authoritative and was derived from a careful study of the death records.

At that time, as at present, the city of Cleveland was endeavoring to enforce an air pollution code which was directed toward the reduction of fly ash and soot fall in the Cleveland area. The

code, however, was ineffective as against the industrial purveyors of fumes, and steps are now being taken in Cleveland to control the pollution of air by noxious and harmful fumes which emanate from the industries of the Cleveland area.

The problem of air pollution control is beyond the customary power of city governments. The pollution is difficult to isolate as to source where there are many industries contributing to the pollution. In addition, there are vast conflicts of judgment concerning the cause, abatement, and control of smoke and fumes. The several cities are generally operating independent of each other and the programs of the cities must be coordinated and accelerated. The technical assistance and counsel of the Department of Health, Education, and Welfare would go a long way toward facing this real problem in the heavy industrialized cities of our country.

It is my hope that the laboratories of the Federal Government, the testing techniques, and the weather experiences will be effectively consolidated to bring about a successful attack against the hazards of air pollution. It is my sincere hope that my city of Cleveland may be one of the first project areas for study.

Mr. PRIEST. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill, as amended?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TO AMEND THE RAILROAD RETIREMENT ACT OF 1937, AND THE RAILROAD UNEMPLOYMENT INSURANCE ACT

Mr. HARRIS. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 4744) to amend the Railroad Retirement Act of 1937, as amended, and the Railroad Unemployment Insurance Act.

The Clerk read the bill, as follows:

Be it enacted, etc., That, effective with respect to annuities accruing in months following the month of enactment hereof, section 2 (e) of the Railroad Retirement Act of 1937, as amended, is amended by striking out "than \$40" and inserting in lieu thereof the following: "with respect to any month, than an amount equal to the maximum amount which could be paid to anyone, with respect to such month, as a wife's insurance benefit under section 202 (b) of the Social Security Act as amended from time to time."

SEC. 2. Effective with respect to annuities accruing in months following the month of enactment hereof, section 5 (g) (2) of the Railroad Retirement Act of 1937, as amended, is amended by striking out the second sentence thereof.

SEC. 3. Effective as of January 1, 1955, section 5 (1) (9) of the Railroad Retirement Act of 1937, as amended, is amended by striking out the language between "(ii)" and "(B)" and inserting in lieu thereof the following: "If such compensation for any calendar year before 1955 is less than \$3,600 or for any calendar year after 1954 is less than \$4,200 and the average monthly remuneration computed on compensation alone is less than \$350 and the employee has earned

in such calendar year 'wages' as defined in paragraph (6) hereof, such wages, in an amount not to exceed the difference between the compensation for such year and \$3,600 before years 1955 and \$4,200 for years after 1954, by."

SEC. 4. Effective as of the dates of their original enactment, section 12 of the Railroad Retirement Act of 1937, as amended, and section 2 (e) of the Railroad Unemployment Insurance Act, are each amended by striking out "No" and inserting in lieu thereof "Notwithstanding any other law of the United States, or of any State, Territory, or the District of Columbia, no."

SEC. 5. Section 10 (b) (4) of the Railroad Retirement Act of 1937, as amended, is amended by inserting immediately after the first sentence thereof the following sentence: "All positions to which such individuals are appointed shall be in and under the competitive civil service and shall not be removed or excepted therefrom."

SEC. 6. The second paragraph of section 12 (1) of the Railroad Unemployment Insurance Act is amended by inserting immediately before the first colon therein the following: "Provided, That all positions to which such persons are appointed shall be in and under the competitive civil service and shall not be removed or excepted therefrom."

The SPEAKER. Is a second demanded?

Mr. O'HARA of Minnesota. Mr. Speaker, I demand a second.

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HARRIS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this bill H. R. 4744 would amend the Railroad Retirement Act in 3 major respects, and the Railroad Unemployment Insurance Act in 1 major respect. Everyone who is familiar with the problem is in thorough accord with these amendments.

There have been some 50 bills introduced in this Congress proposing to amend the Railroad Retirement Act of 1937. Many Members of Congress have expressed their interest in the various proposals which they have brought to the attention of our committee and the Congress. It was the thought of the committee that each of these bills introduced by Members of Congress were meritorious, particularly from the viewpoint as expressed by the sponsor of the bill; but since they interposed so many problems and since they would have far-reaching effect on the Railroad Retirement Act, it was considered best to consider these amendments separately at the earliest possible opportunity.

This bill now under consideration is sponsored by all the standard railroad brotherhoods, representing approximately 1,250,000 active railroad employees, which are virtually all railroad employees in the United States.

On page 4 of the report you will find the organizations affiliated with the Railway Labor Executives' Association and also other organizations of the railroad brotherhoods joining together in sponsoring this legislation.

The railroad industry itself did not oppose this bill. So long as no amendments of substance were made to the

provisions of this bill, there was no opposition from the industry itself.

I might say, in fairness to some, particularly Mr. Thomas Stack and his pension forum, that he was not altogether satisfied. In fact, he was not at all happy with this bill because it did not go further and include certain provisions to amend the Railroad Retirement Act which his forum desired. There are sponsors of certain other bills who are for this bill, but they too felt that the amendments should go further and include other matters which are not included in this bill. However, in view of the unanimity of agreement of everyone concerned with these particular provisions, the committee limited its consideration to H. R. 4744 with the assurance that as soon as the committee could get to it—and it probably will be after the next session starts, when the sixth actuarial valuation report of the Railroad Retirement Board will be available—the other proposals to amend the Railroad Retirement Act will be given a hearing and, therefore, they will be considered at that time.

This bill is a very simple one. It contains three major provisions. In the first place, it increases the maximum amount of benefits which a spouse may receive.

You will recall that the Retirement Act amendments of 1951 contained a provision limiting the spouse's annuity to not more than one-half of the amount received by the retired railroad employee, not to exceed \$40. You remember at that time there was a provision for reinsurance of the railroad retirement system with the social security system. At that time, the Social Security Act contained a provision for a spouse's benefit, equal to half of the primary insurance amount, but not exceeding \$40 a month. Since then the Social Security Act has increased the spouse's benefit twice. Consequently, under the integration feature, Social Security is crediting to the Railroad Retirement account for spouses benefits an amount which exceeds by an average of \$10.50 a month, the \$40 maximum which is payable to the spouse under the present Railroad Retirement Act.

At the present time 106,000 spouses are receiving benefits under the Railroad Retirement Act. Some 82,000 of those are receiving the maximum benefit of \$40 a month. Under the provisions of the bill, these spouses will be eligible for an immediate increase, averaging \$10.50 a month. In 1956, there will be another increase of between \$1.50 to \$2 a month, making the maximum spouse's annuity of \$54.30. In other words, at the present time, on the average, \$10.50 per month per spouse is being credited to the railroad retirement account from the social security account for the purpose of paying a spouse's benefit, but because of the \$40 limitation in the Railroad Retirement Act, the spouse cannot receive more than this amount.

We believe that if the railroad retirement account is going to be credited with this money from the social security fund, then the spouse is entitled to receive it. So that is what section 1 of this bill will do. It will raise the maximum spouse's

benefit to the maximum level that is payable under the Social Security Act.

Section 2 repeals the dual benefit restriction on a widow's annuity. You will recall in the last Congress, the bill proposed by the distinguished gentleman from Pennsylvania [Mr. VAN ZANDT], repealed the dual benefit provision insofar as the retired railroad employee was concerned. H. R. 4744 extends the same consideration to the widows.

The third main feature of this bill involves the Railroad Retirement Board personnel. Many of you received last fall communications with respect to the proposed action of the Railroad Retirement Board and the Civil Service Commission of placing certain employees under so-called schedule C under the Civil Service rules. Strong objections were made to the proposal and finally the request was withdrawn. The bill provides language which would give assurances that such action could not be taken in the future.

Then there are some technical provisions. One technical provision of the bill changes the method of calculating the "average monthly remuneration" in certain cases. Another provision restores and clarifies the exemptions from taxation, attachment, and so forth, of railroad retirement and unemployment insurance benefits.

That is just about what this bill before us would do. I believe, Mr. Speaker, you will find almost anyone who is familiar with the problem, will be in thorough accord with this bill which does equity and justice and should be adopted and passed by this Congress.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from North Carolina.

Mr. JONAS. I notice on page 13 of the report the statement that the enactment of this legislation will increase the deficit in the account to approximately 1.4 percent of payroll; and dollarwise it would be increased from \$51 million a year to approximately \$76 million a year on a level-cost basis.

Does the gentleman have an opinion and will he assure the House that the integrity of the fund will not be jeopardized by the legislation?

Mr. HARRIS. If the gentleman will turn to page 4 of the report, paragraph 5, he will see a statement with reference to the cost of benefits provided in the reported bill. It is thought by those who know something about actuarial problems that the fund is now actuarially unsound; that is, on a level-cost basis. Many of us who are not actuaries, but who are familiar with the practical and realistic facts of life do not believe that the fund is in jeopardy. We think it is sound. The benefits provided for in the bill would cost about \$26 million a year. It would increase the present indicated deficit of \$51 million a year to about \$76 million, in the long run. That is the estimate of actuaries.

Mr. PRIEST. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Tennessee.

Mr. PRIEST. I simply want to point out to the gentleman from North Carolina what the gentleman from Arkansas has been saying. On page 13 of the report the last paragraph reads as follows:

Your committee believes that the cost of H. R. 4744 as reported will not jeopardize the financial soundness of the railroad retirement account.

That is included in the report.

Mr. HARRIS. We do not believe it will be jeopardized at all. Neither did any of those who came in during the course of the hearings and testified on this bill believe it will be in jeopardy.

Mr. SHORT. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Missouri.

Mr. SHORT. Under the present law I understand that \$40 a month is the maximum amount a spouse can receive under the Railroad Retirement Act?

Mr. HARRIS. That is true.

Mr. SHORT. Under the proposed legislation it will be increased for the remainder of the year at the rate of \$51.80 a month?

Mr. HARRIS. It will be increased by \$11.80.

Mr. SHORT. Making a total of \$51.80.

Mr. HARRIS. That is true.

Mr. SHORT. In 1956, next year, it will be further increased to \$54.38 and if the social security law and the benefits under it are increased that might be further increased following 1956?

Mr. HARRIS. That is true, and the bill so provides.

Mr. SHORT. Let me congratulate the gentleman from Arkansas and all members of his committee who have gone into this matter so thoroughly and diligently. I am glad to read such an intelligent, comprehensive, and clear report as the committee has submitted to us and I want to compliment the committee particularly on sections 1 and 2 of the bill providing for an increase in the maximum spouse's annuity, and the repeal of the dual benefit restrictions. I think this will correct a great inequity. There are many railroad people in my district who need and deserve the benefits of this legislation. I am strongly in favor of it for after all it is their own money.

Mr. HARRIS. I thank the gentleman and I commend to the membership of the House this report. If they will get a copy of it it will help to answer many communications the Members will receive.

Mr. SHORT. It is one of the finest and clearest reports I have read in a long time.

Mr. HARRIS. I thank the gentleman.

(Mr. HARRIS asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE TO EXTEND REMARKS

Mr. O'HARA of Minnesota. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill, S. 928.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. O'HARA of Minnesota. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. HESELTON].

(Mr. HESELTON asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. HESELTON. Mr. Speaker, I take this time not so much in any dispute with the great majority of the committee as to the wisdom of most provisions of this bill, because I share their convictions. My concern is confined almost exclusively to sections 5 and 6. The gentleman from Arkansas the chairman of the subcommittee, has referred to that briefly.

You will find in the report from the Bureau of the Budget, the United States Civil Service, and the majority of the Railroad Retirement Board have definite and flatfooted objections to these two sections. In my judgment they have no place in this bill. This bill primarily deals with benefits to the employees or their spouses or people they left behind, and very probably seeks to cure some inequities that have crept into the law as the result of amendments in recent years. However, these two sections deal entirely with another matter. It seems to me it is wholly illogical and irrelevant to place them within the scope of this bill.

Mr. Speaker, it seems to me, also, that it is quite unwise to present it under this procedure where there is but 20 minutes on a side and where particularly no amendment whatsoever, of one word, can be submitted by any Member to the House for its consideration. In other words, it is a question of take it or leave it, and in this event, perhaps the reasons for taking it outweigh the reasons for not taking it.

However, I want to make one point particularly clear.

The impression seems to be prevalent that the so-called civil-service protection amendment in H. R. 4744 and similar bills would restore to the civil service substantial numbers of jobs which have been removed by action of the present administration.

This impression is not correct.

One schedule C position has been approved—that of confidential administrative assistant to the Chairman of the Board. In addition, for many years there have been on schedule A—which covers positions not filled by competitive examination—the two members of the Actuarial Advisory Committee selected by the Board. Competition on these jobs is not practicable, since one is chosen from recommendations made by representatives of labor and the other is chosen from recommendations by the carriers. The third member is appointed by the Secretary of the Treasury. Finally, according to the Civil Service Commission, there is also on schedule A a small but not numerically limited number of special claims agents who must have such special combinations of training, experience, and geographical loca-

SENATE

12. AIR POLLUTION. Agreed to House amendment to S. 928, to provide for research on, and control of, air pollution (pp. 8563-4). This bill will now be sent to the President. The House amendment increased from \$3 to \$5 million a year the authorized appropriation to HEW for each of the fiscal years beginning July 1, 1955 and ending June 30, 1960. For provisions of the bill see Digest 112, item 9.
13. FOREIGN AID. Sens. Green and Wiley were excused from further service as conferees on S. 2090, the mutual security bill, and Sens. Mansfield and Hickenlooper were appointed in their place (p. 8530).
14. TRADE DEVELOPMENT; ONIONS; FARM LOANS; TOBACCO; WEATHER. The Agriculture and Forestry Committee ordered reported without amendment S. 2253, to increase funds for P. L. 480 and transfer its administration to USDA: H. R. 122, to amend the Commodity Exchange Act so as to include onions; and with amendment S. 1758, to amend the Farm Tenant Act to provide additional authority for insurance of loans; S. J. Res 75, to provide for a report from this Department on tobacco research programs; with amendments S. Res 82, requesting a report from this Department on horticultural and agricultural weather forecasting; and an original resolution authorizing funds of \$20,000 for the committee to conduct field hearings on farm price support program (pp. D663-4).
15. EXPENDITURES; APPROPRIATIONS. Sen. Byrd inserted a statement of the Joint Committee on Reduction of Nonessential Federal Expenditures, relating to unexpended balances of Federal appropriations, together with a table summarizing the information compiled in a report on the same subject by the committee, as of March 31, 1955 (pp. 8531-2).
16. WHEAT. Sen. Neuberger stated that "in the recent wheat referendum farmers showed their concern over their loss of income by voting in larger percentages for a national support price" and inserted an editorial on this subject (pp. 8552-3).
17. WATER RESOURCES. Passed as reported H. R. 3990, authorizing the Interior Department to investigate and report to Congress on the water resources in Alaska (p. 8553).
18. DEFENSE PRODUCTION. S. 2391, to extend the Defense Production Act for 2 years was made the unfinished business (pp. 8553-4).
19. PROPERTY. The "Daily Digest" states that: The Government Operations Committee announced that the hearings, originally scheduled for July 7 and 8 on S. 2367, relating to the authority of GSA Administrator with respect to utilization and disposal of excess and surplus Government property under the control of executive agencies, have been rescheduled for July 13 and 14 (p. D664).
20. LEGISLATIVE PROGRAM. Sen. Clements announced that following completion of action on the bill to amend the Defense Production Act, the bills to negotiate a Missouri River Basin compact and to eliminate the 1-year limitation on the period of leases of space for Federal agencies in D. C. would be considered. He also announced that it would be the intention of the Senate to adjourn from today until Monday (p. 8554).

BILLS INTRODUCED

21. PERSONNEL. S. 2425, by Sen. Johnston, S. C. (for himself and others), to authorize the Civil Service Commission to make available on a voluntary basis, group hospital, surgical, medical, and other personal health service benefits for civilian officers and employees in the Federal service, through the facilities of prepayment group plans, group practice prepayment plans, Federal employee organizations, and insurance companies; to Post Office and Civil Service Committee (p. 8530).

H. R. 7179, by Rep. Broyhill, to amend section 1 (d) of the Civil Service Retirement Act of May 29, 1930, as amended; to Post Office and Civil Service Committee (p. 8623).

H. R. 7180, by Rep. Broyhill, to provide for the granting of career-conditional and career appointments in the competitive civil service to certain qualified employees of the Department of Corrections of the District of Columbia; to Post Office and Civil Service Committee (p. 8623).

22. PROPERTY. H. R. 7184, by Rep. Donohue, and H. R. 7191, by Rep. Philbin, to amend the Federal Property and Administrative Services Act of 1949 to make temporary provision for making payments in lieu of taxes with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments; to Government Operations Committee (p. 8624).

ITEMS IN APPENDIX

23. RECLAMATION; ELECTRIFICATION. Sen. Gore inserted a statement by Sen. Anderson urging rejection of the Dixon-Yates contract (pp. A4897-8). He also inserted a Louisville Courier-Journal editorial giving the history of the Dixon-Yates controversy and recommending further investigation of attempts by the Administration to put through the Dixon-Yates contract (pp. A4898-4900).

Sen. Butler inserted a Wall Street Journal article, "Power Propaganda," stating that public power advocates have distorted the issues in the controversy between private and public power interests, and recommending that proposal of the Hoover Commission concerning power production be adopted (p. A4901).

Sen. Anderson inserted a newspaper article opposing the Dixon-Yates contract (p. A4905).

Rep. Cannon inserted a St. Louis Post-Dispatch editorial favoring REA and criticizing recommendations of the Hoover Commission which would favor private power interests (p. A4936).

Rep. Wilson inserted an article by Rep. Hosmer in the San Diego Tribune, warning Californians to fight the upper Colorado River project and charging that the project violates the terms of the Colorado River compact (p. A4922).

Rep. Hiestand inserted editorials from newspapers in Colorado (p. A4905) and Alabama (p. A4908) opposing the upper Colorado River storage project.

Rep. Hosmer inserted two "Bananas on Pikes Peak" articles giving arguments against the upper Colorado River storage project (pp. A4929, A4930).

24. MONOPOLIES. Rep. Smith, Miss., inserted an editorial from Fortune Magazine criticizing the President of Westinghouse for advocating higher tariffs on electrical equipment (p. A4905).

25. FOREIGN AID. Sen. Schoeppel inserted a Wall Street Journal editorial warning against possible public misunderstanding of the scope of the foreign aid program due to the replacement of FOA by ICA (p. A4907).

The general authority of the Department of Commerce, Maritime Administration, to carry on these activities should be made the subject of specific attention in the Merchant Marine Act 1936. The authority contained in section 212 and other provisions of the 1936 act and the authority in section 8 of the Merchant Marine Act 1920, should be strengthened by emphasis on the research, design, experimental, and development activities in respect of ships and port facilities. The accompanying draft bill would amend section 212 of the 1936 act to provide authority in the research and design fields relating to ships and to port facilities as important avenues of attack on pressing problems of the merchant marine in maintaining its national defense and competitive commercial strength.

RESEARCH AND TECHNICAL ASSISTANCE RELATING TO AIR-POLLUTION CONTROL

Mr. KUCHEL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives regarding Senate bill 928. I wish to say that I have discussed this matter with the able senior Senator from Oklahoma [Mr. KERR], the chairman of the subcommittee, and with the distinguished acting majority leader and the distinguished minority leader, all of whom are in agreement with my request.

The PRESIDING OFFICER (Mr. SCOTT in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 928) to provide research and technical assistance relating to air-pollution control, which was, to strike out all after the enacting clause and insert:

That in recognition of the dangers to the public health and welfare, injury to agricultural crops and livestock, damage to and deterioration of property, and hazards to air and ground transportation, from air pollution, it is hereby declared to be the policy of Congress to preserve and protect the primary responsibilities and rights of the States and local governments in controlling air pollution, to support and aid technical research to devise and develop methods of abating such pollution, and to provide Federal technical services and financial aid to State and local government air pollution control agencies and other public or private agencies and institutions in the formulation and execution of their air-pollution-abatement research programs. To this end, the Secretary of Health, Education, and Welfare and the Surgeon General of the Public Health Service (under the supervision and direction of the Secretary of Health, Education, and Welfare) shall have the authority relating to air-pollution control vested in them respectively by this act.

SEC. 2. (a) The Surgeon General is authorized, after careful investigation and in cooperation with other Federal agencies, with State and local government air pollution control agencies, with other public and private agencies and institutions, and with the industries involved, to prepare or recommend research programs for devising and developing methods for eliminating or reducing air pollution. For the purpose of this subsection the Surgeon General is authorized to make joint investigations with any such agencies or institutions.

(b) The Surgeon General may (1) encourage cooperative activities by State and local governments for the prevention and abatement of air pollution; (2) collect and disseminate information relating to air pollution and the prevention and abatement

thereof; (3) conduct in the Public Health Service, and support and aid the conduct by State and local government air pollution control agencies, and other public and private agencies and institutions of, technical research to devise and develop methods of preventing and abating air pollution; and (4) make available to State and local government air pollution control agencies, other public and private agencies and institutions, and industries, the results of surveys, studies, investigations, research, and experiments relating to air pollution and the prevention and abatement thereof.

SEC. 3. The Surgeon General may, upon request of any State or local government air pollution control agency, conduct investigations and research and make surveys concerning any specific problem of air pollution confronting such State or local government air pollution control agency with a view to recommending a solution of such problem.

SEC. 4. The Surgeon General shall prepare and publish from time to time reports of such surveys, studies, investigations, research, and experiments made under the authority of this act as he may consider desirable, together with appropriate recommendations with regard to the control of air pollution.

SEC. 5. (a) There is hereby authorized to be appropriated to the Department of Health, Education, and Welfare for each of the 5 fiscal years during the period beginning July 1, 1955, and ending June 30, 1960, not to exceed \$5 million to enable it to carry out its functions under this act and, in furtherance of the policy declared in the first section of this act, to (1) make grants-in-aid to State and local government air pollution control agencies, and other public and private agencies and institutions, and to individuals, for research, training, and demonstration projects, and (2) enter into contracts with public and private agencies and institutions and individuals for research, training, and demonstration projects. Such grants-in-aid and contracts may be made without regard to sections 3648 and 3709 of the Revised Statutes. Sums appropriated for such grants-in-aid and contracts shall remain available until expended, and shall be allotted by the Surgeon General in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare.

SEC. 6. When used in this act—

(a) The term "State air pollution control agency" means the State health authority, except that in the case of any State in which there is a single State agency other than the State health authority charged with responsibility for enforcing State laws relating to the abatement of air pollution, it means such other State agency;

(b) The term "local government air pollution control agency" means a city, county, or other local government health authority, except that in the case of any city, county, or other local government in which there is a single agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the abatement of air pollution, it means such other agency; and

(c) The term "State" means a State or the District of Columbia.

SEC. 7. Nothing contained in this act shall limit the authority of any department or agency of the United States to conduct or make grants-in-aid or contracts for research and experiments relating to air pollution under the authority of any other law.

Mr. CLEMENTS. Mr. President, will the Senator from California yield to me?

Mr. KUCHEL. I yield to my friend, the Senator from Kentucky.

Mr. CLEMENTS. It is my understanding from the junior Senator from California that he has discussed this

matter with the senior Senator from Oklahoma [Mr. KERR], and that the Senator from Oklahoma is in complete accord with the procedure proposed to be followed in this instance.

Mr. KUCHEL. That is correct, I will say to the distinguished acting majority leader. I have discussed this measure with the senior Senator from Oklahoma, the chairman of the subcommittee which held hearings originally on Senate bill 928; and he is in complete accord with the action which I propose, namely, that the Senate concur in the amendment of the House of Representatives.

Mr. President, I wish to say, by way of introduction, that I am perfectly delighted with the legislative action which is about to transpire today in the Senate. Ever since I first came to the United States Senate, from the State of California, 2½ years ago, I have endeavored to acquaint the Members of the Senate and the Members of the House of Representatives with the growing problem of air pollution. From time to time I have stood on this floor and have spoken with respect to findings made by various public officials, and agencies, and professional groups regarding the increasing hazards involved in air contamination both in the United States and throughout the world, not alone to human beings and their very lives, but also to agriculture and industry and to various kinds of property.

During the 83d Congress, the Senate accepted the recommendations which had been made jointly by my colleague from California [Mr. KNOWLAND], the two distinguished Senators from Pennsylvania [Mr. MARTIN and Mr. DUFF], the distinguished senior Senator from New York [Mr. IVES], the distinguished senior Senator from Indiana [Mr. CAPEHART], and other Senators, including myself, and adopted a proposal to enlist the might of the Federal Government against the growing problem of air pollution in our land. I regret that the House of Representatives did not see fit at that time to concur in the judgment of the Senate, and during the 83d Congress no constructive action was taken on this problem.

After the adjournment of the 83d Congress, the senior Senator from Indiana [Mr. CAPEHART] and I wrote a letter to the President of the United States in which we urged that the President consider the appointment of an inter-agency committee to study the problem of air pollution, with a view to the taking of some construction action in the 84th Congress.

I was most happy to find that the President of the United States thereafter appointed an ad hoc committee, consisting of representatives from appropriate agencies of the Federal Government—namely, the Department of Health, Education, and Welfare, the Department of Commerce, the Department of the Interior, and others; and a study was made of the possibility of Federal assistance in combating, controlling, and ultimately eliminating air pollution in the United States.

In the State of the Union message which President Eisenhower delivered to

the Congress last January, I was delighted to note that he indicated that prevention, control, and elimination of air pollution constitute, in his judgment, a matter of Federal interest; and it was his recommendation that this Congress take an interest in the subject and that it consider the enactment of legislation in this field.

Shortly thereafter, when a message from the President on the question of public health came to the Congress, once again the administration indicated that air pollution is a subject upon which Congress might legislate to the benefit of the 166 million American citizens.

I introduce Senate bill 928, along with my able colleague from California [Mr. KNOWLAND], the two distinguished Senators from Pennsylvania [Mr. MARTIN and Mr. DUFF], and the distinguished senior Senator from Indiana [Mr. CAPEHART]. Hearings were held before the Subcommittee on Public Works, of which the distinguished senior Senator from Oklahoma [Mr. KERR] was chairman. Thereafter Senate bill 928 was favorably reported from the subcommittee and the full committee, came to the floor of the Senate, and was passed by the Senate.

The House has considered Senate bill 928, and has adopted an amendment to it. Let me outline the most important features of the amendment.

First, the authorization in the bill, as it was passed by the Senate, was for a 5-year study by the appropriate Federal agencies, under the direction of the Secretary of Health, Education, and Welfare, or the Surgeon General; and at that time the bill provided that during that period, \$3 million a year would be authorized for expenditure, making a total authorization, over a 5-year period, of \$15 million.

The House of Representatives has seen fit to increase the authorization to one of \$5 million a year, thus providing a maximum authorization for expenditure,

during the 5-year period, of \$25 million. Certainly that amendment will be entirely acceptable to the Senate, and, I am sure, to the administration.

Second, the bill, as passed by the Senate, provided for the appointment by the President of an advisory committee on air pollution, to be composed of various governmental officials and private individuals, as well.

The House saw fit to delete that provision. In his comments yesterday in the House the distinguished Member of the House who was handling this measure indicated it was the judgment of the House committee which had jurisdiction of the bill that an interagency committee, perhaps similar to that which the President himself appointed on an ad hoc basis last year, was an appropriate instrumentality for advice to the various agencies of the Federal Government.

I do not quarrel with the decision of the House in that regard. Neither does my friend the distinguished senior Senator from Oklahoma [Mr. KERR]. Thus we are united in not objecting to the action of the House in this respect.

The remaining changes are relatively minor in character. I think they improve the proposed legislation in a number of respects. So I am most happy that the Senate, which I trust will approve the House action in amending Senate bill 928, is now taking constructive action, in conjunction with the House, toward having the Congress of the United States accept jurisdiction and responsibility for technical assistance and advice to State and local governments in a field which has been of growing concern to our people, namely, that of air contamination and air pollution, which we in California call smog.

Control of the problem will remain in the State and local governments, where it should be, but I think it is a grand

thing that, under the leadership of the President of the United States, the Congress now sees fit to accept responsibility for research and technical assistance in what we hope will be an effective effort leading to the early elimination of air contamination in this country.

On that basis, I respectfully ask my brethren to approve the action of the House. I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California.

The motion was agreed to.

RECESS

Mr. CLEMENTS. I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 2 o'clock and 23 minutes p. m.) the Senate took a recess until tomorrow, Thursday, July 7, 1955, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate July 6, 1955:

IN THE ARMY

The following-named officer under the provisions of section 504 of the Officer Personnel Act of 1947 to be assigned to a position of importance and responsibility designated by the President under subsection (b) of section 504, in rank as follows:

Maj. Gen. George Windle Read, Jr., O12603, Army of the United States (brigadier general, U. S. Army), in the rank of lieutenant general.

IN THE NAVY

Rear Adm. Maurice E. Curts, United States Navy, to have the grade, rank, pay, and allowances of a vice admiral while serving under a designation by the President in accordance with section 413 of the Officer Personnel Act of 1947.

Public Law 159 - 84th Congress
Chapter 360 - 1st Session
S. 928

AN ACT

All 69 Stat. 322.

To provide research and technical assistance relating to air pollution control.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the dangers to the public health and welfare, injury to agricultural crops and livestock, damage to and deterioration of property, and hazards to air and ground transportation, from air pollution, it is hereby declared to be the policy of Congress to preserve and protect the primary responsibilities and rights of the States and local governments in controlling air pollution, to support and aid technical research to devise and develop methods of abating such pollution, and to provide Federal technical services and financial aid to State and local government air pollution control agencies and other public or private agencies and institutions in the formulation and execution of their air pollution abatement research programs. To this end, the Secretary of Health, Education, and Welfare and the Surgeon General of the Public Health Service (under the supervision and direction of the Secretary of Health, Education, and Welfare) shall have the authority relating to air pollution control vested in them respectively by this Act.

SEC. 2. (a) The Surgeon General is authorized, after careful investigation and in cooperation with other Federal agencies, with State and local government air pollution control agencies, with other public and private agencies and institutions, and with the industries involved, to prepare or recommend research programs for devising and developing methods for eliminating or reducing air pollution. For the purpose of this subsection the Surgeon General is authorized to make joint investigations with any such agencies or institutions.

(b) The Surgeon General may (1) encourage cooperative activities by State and local governments for the prevention and abatement of air pollution; (2) collect and disseminate information relating to air pollution and the prevention and abatement thereof; (3) conduct in the Public Health Service, and support and aid the conduct by State and local government air pollution control agencies, and other public and private agencies and institutions of, technical research to devise and develop methods of preventing and abating air pollution; and (4) make available to State and local government air pollution control agencies, other public and private agencies and institutions, and industries, the results of surveys, studies, investigations, research, and experiments relating to air pollution and the prevention and abatement thereof.

SEC. 3. The Surgeon General may, upon request of any State or local government air pollution control agency, conduct investigations and research and make surveys concerning any specific problem of air pollution confronting such State or local government air pollution control agency with a view to recommending a solution of such problem.

SEC. 4. The Surgeon General shall prepare and publish from time to time reports of such surveys, studies, investigations, research, and experiments made under the authority of this Act as he may consider desirable, together with appropriate recommendations with regard to the control of air pollution.

SEC. 5. (a) There is hereby authorized to be appropriated to the Department of Health, Education, and Welfare for each of the five fiscal years during the period beginning July 1, 1955, and ending June 30, 1960, not to exceed \$5,000,000 to enable it to carry out its functions under this Act and, in furtherance of the policy declared in the first

Grants-in-
aid and con-
tracts.

60 Stat. 809.
31 USC 529;
41 USC 5.

Definitions.

section of this Act, to (1) make grants-in-aid to State and local government air pollution control agencies, and other public and private agencies and institutions, and to individuals, for research, training, and demonstration projects, and (2) enter into contracts with public and private agencies and institutions and individuals for research, training, and demonstration projects. Such grants-in-aid and contracts may be made without regard to sections 3648 and 3709 of the Revised Statutes. Sums appropriated for such grants-in-aid and contracts shall remain available until expended, and shall be allotted by the Surgeon General in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare.

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(b) The term "local government air pollution control agency" means a city, county, or other local government health authority, except that in the case of any city, county, or other local government in which there is a single agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the abatement of air pollution, it means such other agency; and

(c) The term "State" means a State or the District of Columbia.

SEC. 7. Nothing contained in this Act shall limit the authority of any department or agency of the United States to conduct or make grants-in-aid or contracts for research and experiments relating to air pollution under the authority of any other law.

Approved July 14, 1955.